

URBAN/MUNICIPAL

CA4 ON HBL AOS
CSIP4
1993-

AGENDAS / MINUTES OF
THE PLANNING AND
DEVELOPMENT COMMITTEE
MARCH 3/93

URBAN/MUNICIPAL
CA4 ON HBL AOS
C51P4
1993



Urban Municipal
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Hamilton Public Library

1993 February 24

NOTICE OF MEETING

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, 1993 March 3
9:30 o'clock a.m.
Room 233, City Hall

Tina Agnello, Secretary
Planning and Development Committee

AGENDA:

1. **DELEGATION - ALDERMAN V. AGRO**

City Initiative 92-H for a Modification to the "D" District rezoning for property located at 96 Mary Street, Beasley Park (Previously Tabled)

(a) Submission: J. Davenport, Cannon Street East, Hamilton

2. **BUILDING COMMISSIONER**

Barton Street Revitalization

URBAN MUNICI
1993
GOVERNMENT DOCUMENTS

3. **CHIEF ADMINISTRATIVE OFFICER AND DIRECTOR OF PLANNING**

Hamilton GO Transit Centre, at 36 Hunter Street, Corktown Neighbourhood

4. **DIRECTOR OF LOCAL PLANNING**

The Commission on Planning and Development in Ontario (Sewell Commission)
- Draft Report

5. **CONSENT AGENDA**

10:30 O'CLOCK A.M.

PUBLIC MEETINGS

6. Zoning Application 92-46, G. Sebastian Inc., owner, for a further modification to the established "M-14" District regulations, for property located at No. 10 Hempstead Drive; Rymal Neighbourhood

(a) Submission: Andrew Courchesne, 130 Hempstead Drive, Hamilton

7. Zoning Application 92-50, David John Armstrong, owner, for a change in zoning from "HH" District, modified, to "G-4" District, modified, for property located at the south-west corner of Upper Sherman Avenue and Limeridge Road East; Thorner Neighbourhood

8. City Initiative 91-G, to consider a general text amendment to Zoning By-law No. 6593, as amended by By-law No. 92-281, respecting parking in the front yard for single and two-family dwellings in residential districts

10:45 O'CLOCK A.M.

9. Zoning Application 92-14, Rainy Gaglani, owner, for a modification to the established "C" District regulations, for property located at No. 121 Ivon Avenue; Normanhurst Neighbourhood

(a) Submission: R. M. Plant, Solicitor for R. Gaglani, 1 King Street West,
Hamilton

10. Zoning Application 92-08, Faith Evangelical Lutheran Church, 1907 King Street East (Previously Tabled - Not a Public Meeting)

11:15 O'CLOCK A.M.

11. **DIRECTOR OF PROPERTY AND DIRECTOR OF PUBLIC WORKS**

Agreement between the City of Hamilton, Canadian Pacific Limited and Glendale Realty Holdings Limited to Use a Portion of C.P. Land for Truck Access - East of Glendale Avenue North - Crown Point West Neighbourhood

11:30 O'CLOCK A.M.

12. **DELEGATION - ALDERMAN D. AGOSTINO**

User Fees in the City of East York

13. **OTHER BUSINESS**

14. **ADJOURNMENT.**

OUTSTANDING LIST

PLANNING AND DEVELOPMENT COMMITTEE

<u>ITEM</u>	<u>ORIGINAL DATE</u>	<u>ACTION</u>	<u>STATUS</u>
Mobile Signs		Planning	Report Pending
C.I.90-F - Parking requirements in the Central Business District	1990 July 25	Planning	Draft Report being finalized. Consult with Parking Authority, Traffic, Building and Cash-in-Lieu of Parking Committee and report back
Site Plan Enforcement Procedures	1991 January 23	Building, Regional Engineering, Planning	Report back on alternative proposals
Conditions of Conversions - Separate Utility Controls	1991 June 19	Building	Report Pending
Site Plan Control Application DA-91-50 - 45 Hempstead Drive	1992 January 8	Planning	Tabled - Applicant directed to proceed through Committee of Adjustment
11-13 Holmes Avenue 19th Century Log Home	1992 June 24	Planning	Report pending
ZA-91-12 25 Hess Street South	1992 June 24	Applicant	Tabled for negotiations between parties
ZA-92-03 212 James Street South	1992 June 24	Applicant Harper Brothers Holdings	Tabled to submit amended application
Definition of "Foster Home" and "Residential Care Facility"	1992 November 18	Alderman T. Cooke	Planning & Building Departments to prepare a report

<u>ITEM</u>	<u>ORIGINAL DATE</u>	<u>ACTION</u>	<u>STATUS</u>
Lot Grading with respect to Land Severance Applications creating One, Two & Three Lots	1993 February 3	Alderman H. Merling	Tabled to allow previous Sub-Committee to review matter
CI 92-H, 96 Mary Street (Beasley Park)	1993 February 3	Alderman V. Agro	Tabled to allow Alderman Agro to attend
Revitalization of Barton Street	1993 February 3	Mayor R. M. Morrow	Various departments to report back on Mayor's request

1993 February 25

1.

The Planning and Development Committee at its meeting of 1993 February 3 resolved to table the recommendation in the report from the Commissioner of Planning and Development dated 1993 January 26 (as attached hereto) to allow you to be present to speak on the matter.

RTgwell

cc: Alderman D. Drury
V. Abraham, Director of Local Planning
J. D. Thoms, Commissioner of Planning & Development

CITY OF HAMILTON
- RECOMMENDATION -

RECEIVED

JAN 27 1993

CITY CLERKS

DATE: 1993 January 26
CI-92-H
Beasley Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

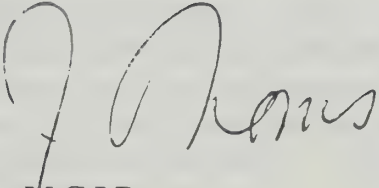
FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: City Initiative 92-H - Part of No. 96 Mary Street (Beasley Park)

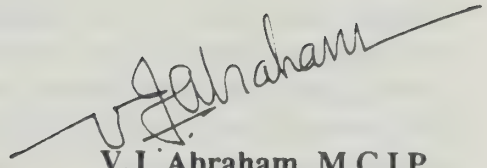
RECOMMENDATION:

That City Initiative 92-H, for a modification to the established "D" (Urban Protected Residential, One and Two-Family Dwellings, Townhouses, etc.) District regulations, to permit a public parking area (five spaces), for property located at part of No. 96 Mary Street (Beasley Park), as shown on the attached map marked as Appendix "A", be **DENIED** for the following reasons:

- i) It conflicts with the intent of the Official Plan, which designates the subject lands "CENTRAL POLICY AREA"; and with the Approved Beasley Neighbourhood Plan, which designates the subject lands "PARK AND RECREATIONAL". In this regard, land uses within areas designated "CENTRAL POLICY AREA" are to be detailed through Approved Neighbourhood Plans. The intent of the Approved Neighbourhood Plan is that the subject lands be used for "PARK AND RECREATIONAL" purposes;
- ii) From a planning perspective, to permit public parking on lands designated and acquired for park purposes is not appropriate; particularly since a number of feasible alternatives for the proposed parking area, which do not involve the use of parkland and which could be more secure and more accessible to users, have been identified; and,
- iii) Approval of this City Initiative could encourage other similar proposals, which, if approved, could undermine the intent of the Official Plan and the Approved Neighbourhood Plan with respect to the development of designated parkland.



J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department



V.J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

As a result of the reconstruction of Beasley Park, Elgin Street was closed north of Wilson Street and south of Cannon Street East. This decreased the availability of on-street parking for five dwellings on Cannon Street (Nos. 136 to 144), just west of Elgin Street. The proposal is to construct a 9.5 m x 14 m gravel parking area for five vehicles, within Beasley Park, east of the north-south public assumed alley, approximately 47 m south of Cannon Street (see Appendix "B"), to be available for use by the Cannon Street residents.

On September 21, 1992, the Transport and Environment Committee considered a report from the Director of Public Works respecting the provision of parking for the dwellings along Cannon Street. The Report outlined four options to provide for residential parking:

- 1) Permit parking on Mary Street and Elgin Street, immediately north of Wilson Street;
- 2) A parking area to be provided adjacent to the north/south alley within the Beasley Park;
- 3) Overnight parking on Cannon Street; and
- 4) Parking to be provided on Elgin Street immediately south of Cannon Street, by realigning the existing curb line.

The Public Works Department recommended approval of Option 4), because it would provide residential parking that would be accessible to the dwellings on Cannon Street East; the parking would be visible and therefore more secure; it would not involve expenditure of P.R.I.D.E. funds; and would not undermine the development of the Park (see Appendix "C").

However, the City's Transport and Environment Committee recommended approval of Option 2) and directed that the item be referred to the Parks and Recreation Committee for consideration. On September 22, 1992, the Parks and Recreation Committee recommended that the Beasley Park Development Plan be amended to provide for the parking area adjacent to the alley, within Beasley Park; that the City Parks By-law No. 89-74 be amended accordingly; and that the Planning and Development Committee be requested to initiate the modification of zoning at Beasley Park to allow residential parking. On September 29, 1992, City Council approved this recommendation.

LOT SIZE AND AREA:

- a lot width of 39.770 m;
- a lot depth of approximately 69.553 m; and
- a lot area of approximately 2,764.195 m².

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Beasley Park	"D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District
<u>Surrounding Lands</u>		
to the north	one and two-family dwellings	"D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District
to the south	Beasley Park	"D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District

to the east	Beasley Park	"A" (Conservation, Open Space, Park and Recreation) District, modified, and "J" (Light and Limited Heavy Industry, etc.) District, modified
to the west	industrial (Cannon Knitting Mills)	"J" (Light and Limited Heavy Industry, etc.) District, modified

OFFICIAL PLAN:

The subject lands are designated "CENTRAL POLICY AREA" on Schedule "A" - Land Use Concept of the Official Plan. The following policies apply:

- "A.2.8.1 To promote the CENTRAL POLICY AREA as a multi-use node for both the City and the Region, a wide range of uses will be permitted where compatibility among adjacent uses can be achieved. The primary uses permitted in the CENTRAL POLICY AREA, as shown on Schedule "A", will be for the following uses:
- ii) Residential Uses of various types, including, but not limited to, single-family detached, semi-detached, row and apartment housing, and in keeping with the Residential policies set out primarily in Subsection A.2.9.3, as well as in Subsections A.2.1 and C.7;
 - iv) Open Space Uses such as, but not limited to, parks, public or private recreational facilities, arena, stadia and pathways, and in keeping with the Open Space policies set out in Subsection A.2.4 of this Plan;
- A.2.8.2 The location of uses permitted within the CENTRAL POLICY AREA will be identified and detailed through the preparation of a Neighbourhood Plan.
- B.3.3.6 Where necessary and feasible, off-Street PARKING, driveways and/or loading areas adjacent to Residential Uses will be suitably screened or buffered through the use of fences, berms or other appropriate landscape treatment. All PARKING areas will be suitably surfaced to resist degradation from the elements or use and, where deemed appropriate, be illuminated to facilitate and ensure the safety and convenience of pedestrian or vehicular access to the land uses served thereby."

Policy A.2.8.2 states that the location of uses permitted within the "CENTRAL POLICY AREA" will be detailed through Approved Neighbourhood Plans. The subject lands are designated "PARK AND RECREATIONAL" in the Approved Beasley Neighbourhood Plan. In this regard, the proposal to utilize the subject lands for public parking conflicts with the intent of the Official Plan. However, if the application is approved, an Official Plan Amendment would not be required.

NEIGHBOURHOOD PLAN:

As stated above, the subject lands are designated "PARK AND RECREATIONAL" on the approved Beasley Neighbourhood Plan. The proposal conflicts with the intent of the Neighbourhood Plan. If the City Initiative is approved, the subject lands should remain designated "PARK AND RECREATIONAL" to allow for future use of the lands for park.

COMMENTS RECEIVED:

- The Building Department has advised that:

"The requirements of Section 18A(1)(f), (11), (12) and (30) do not appear to be complied with."

The Building Department further advises that a variance to Section 18A(9) would also be required.

- The Hamilton-Wentworth Roads Department advises that:

"There are public watermains and combined storm and sanitary sewers available to service these lands.

The alley adjacent to the subject lands is public assumed.

Included in the tree trimming, the City should ensure adequate motorist sight visibility when entering or exiting the subject lands into the alley."

- The Hamilton Region Conservation Authority and the Traffic Department have no comments or objections.

COMMENTS:

- 1) The proposal conflicts with the intent of the Official Plan, which designates the subject lands "CENTRAL POLICY AREA"; however, if the City Initiative is approved an Official Plan Amendment would not be required.

- 2) The proposal conflicts with the intent of the Beasley Neighbourhood Plan, which designates the subject lands "PARK AND RECREATIONAL"; however, if the City Initiative is approved a Neighbourhood Plan Amendment would not be appropriate.
- 3) Although the public parking area has been approved by the Transport and Environment Committee and City Council (see Background), from a planning perspective, permitting public parking on lands acquired and designated for park purposes is not appropriate and can not be supported for the following reasons:
 - i) it conflicts with the intent of the Official Plan, which designates the subject lands "CENTRAL POLICY AREA"; and with the intent of the Approved Beasley Neighbourhood Plan, which designates the subject lands "PARK AND RECREATIONAL". In this regard, land uses within areas designated "CENTRAL POLICY AREA" are to be detailed through Approved Neighbourhood Plans. The intent of the Approved Beasley Neighbourhood Plan is that the subject lands be used for "PARK AND RECREATIONAL" purposes;
 - ii) a number of feasible alternatives for parking have been identified by the Public Works Department, including:
 - Permit parking on Mary Street and Elgin Street, immediately north of Wilson Street;
 - Overnight parking on Cannon Street; and
 - Parking to be provided on Elgin Street immediately south of Cannon Street, by realigning the existing curb line.

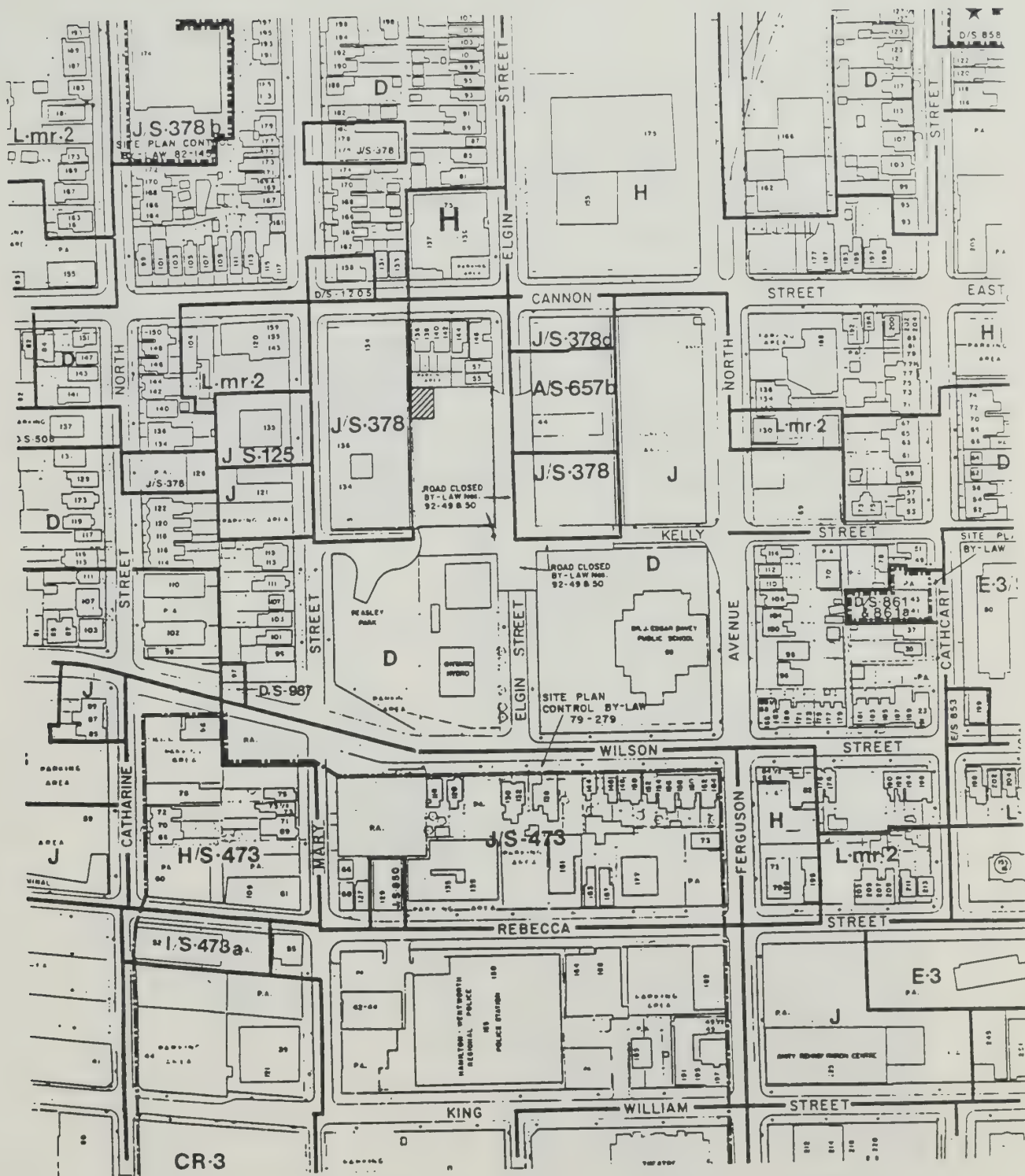
These alternatives could offer parking that could be more secure and more accessible to users, and would not necessitate the utilization of parkland; and,
 - iii) approval of this City Initiative could encourage other similar proposals, which, if approved, could undermine the intent of the Official Plan and the Approved Neighbourhood Plan with respect to the development of designated parkland.
- 4) For the information of the Committee, the Hamilton-Wentworth Police Department has indicated that public parking areas which are hidden from view can pose safety and security problems. Consequently, as this proposed parking area is hidden from view (ie. located off an alleyway, behind buildings and not visible from the main roads) it could pose safety and security problems.

- 5) Also for the information of the Committee, it should be noted that recent studies (Beasley Neighbourhood: A Profile - Draft) undertaken by the Planning and Development Department, have identified that the required parkland for the Beasley Neighbourhood is 2.76 ha (6.83 acres), whereas there are currently only 1.39 ha (3.44 acres) of parkland within the Neighbourhood. This represents an existing deficiency of 1.37 ha (3.39 acres). Furthermore, there is a total of 2.27 ha (5.62 acres) of parkland designated within the Neighbourhood (ie. including areas designated for park but not yet acquired by the City), which represents a designated parkland deficiency of 0.49 ha (1.21 acres).

CONCLUSION:

On the basis of the foregoing, the City Initiative can not be supported.

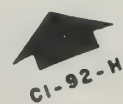
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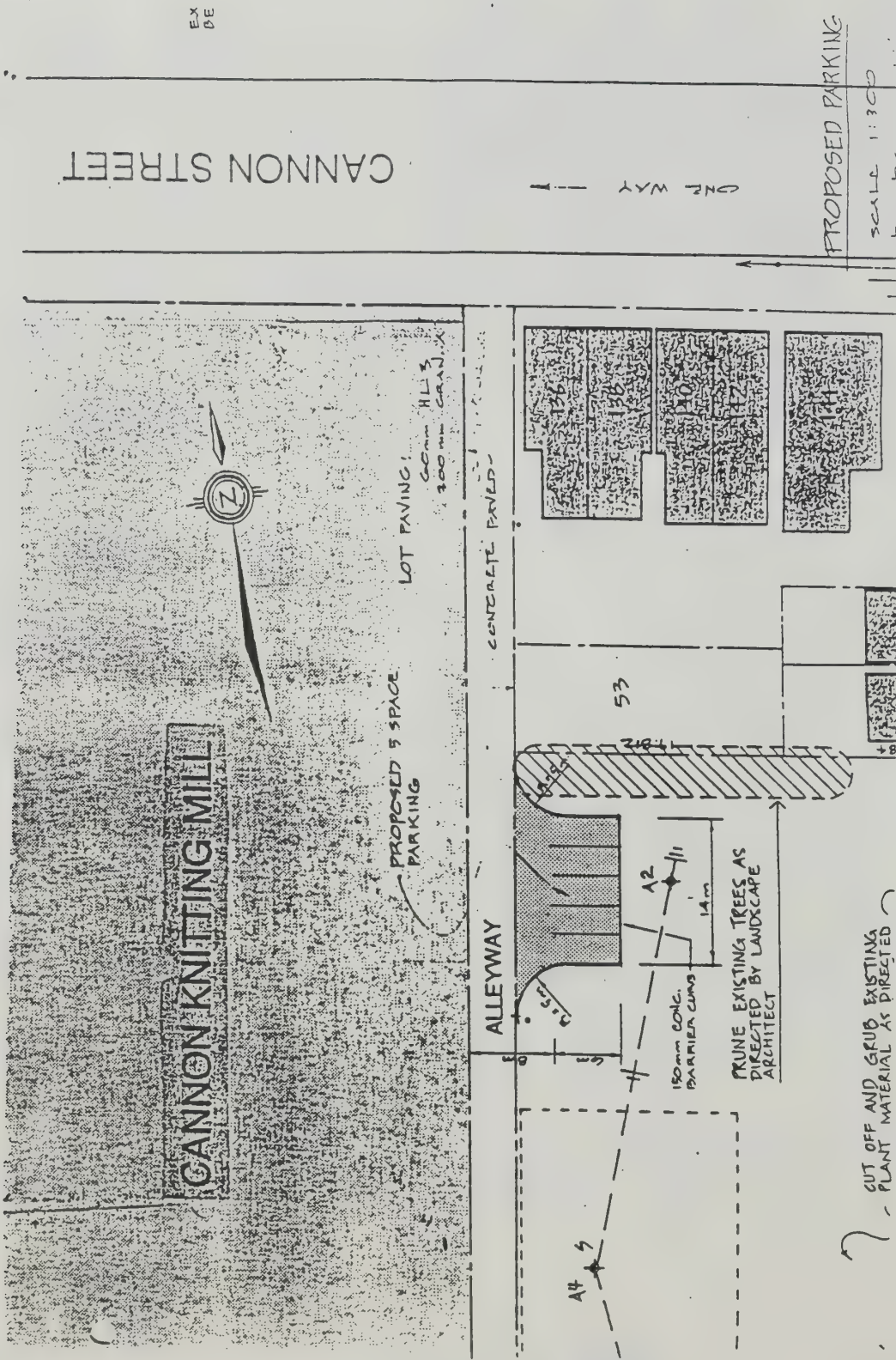
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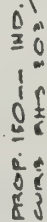
Site of the Application



APPENDIX A



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FOR THE

JULY 16/52

RECEIVED

JAN 25 1993

CITY CLERKS Re CI-92-H

Stella Pittante,
909 Turner St. E.,
Clearwater Fla
34616

I am very interested in the way the parking spaces are to be allotted. Also where are the visitors or relatives to be able to park. My sons have parked in the empty spaces, they were told they 'could not park there, even if the space was vacant at the time. Who has the authority to tell them to move? They were checking on their mother - a very short, but timely visit. Please answer to the above address thank you

P+D Feb 3/93
Tabled See memo attched

RECEIVED

JAN 27 1993

CITY OF HAMILTON
- RECOMMENDATION -

CITY CLERKS

DATE: 1993 January 26
CI-92-H
Beasley Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: City Initiative 92-H - Part of No. 96 Mary Street (Beasley Park)

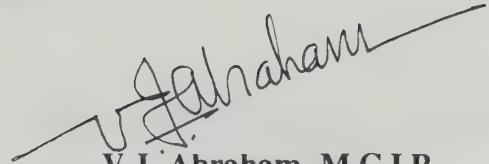
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J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department



V.J. Abraham, M.C.I.P.
Director of Local Planning

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to the east	Beasley Park	"A" (Conservation, Open Space, Park and Recreation) District, modified, and "J" (Light and Limited Heavy Industry, etc.) District, modified
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COMMENTS RECEIVED:

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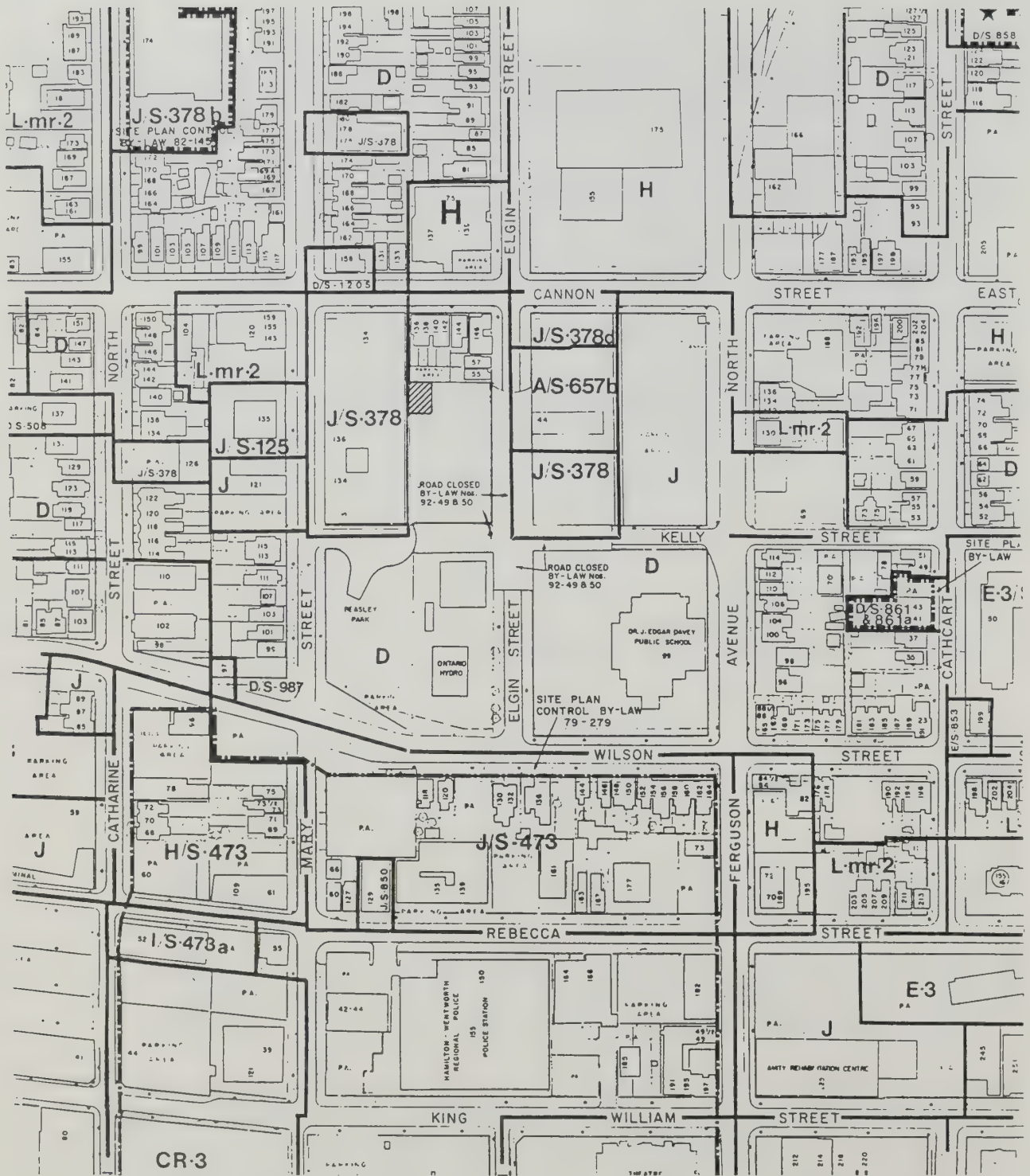
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- 5) Also for the information of the Committee, it should be noted that recent studies (Beasley Neighbourhood: A Profile - Draft) undertaken by the Planning and Development Department, have identified that the required parkland for the Beasley Neighbourhood is 2.76 ha (6.83 acres), whereas there are currently only 1.39 ha (3.44 acres) of parkland within the Neighbourhood. This represents an existing deficiency of 1.37 ha (3.39 acres). Furthermore, there is a total of 2.27 ha (5.62 acres) of parkland designated within the Neighbourhood (ie. including areas designated for park but not yet acquired by the City), which represents a designated parkland deficiency of 0.49 ha (1.21 acres).

CONCLUSION:

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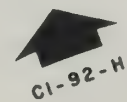
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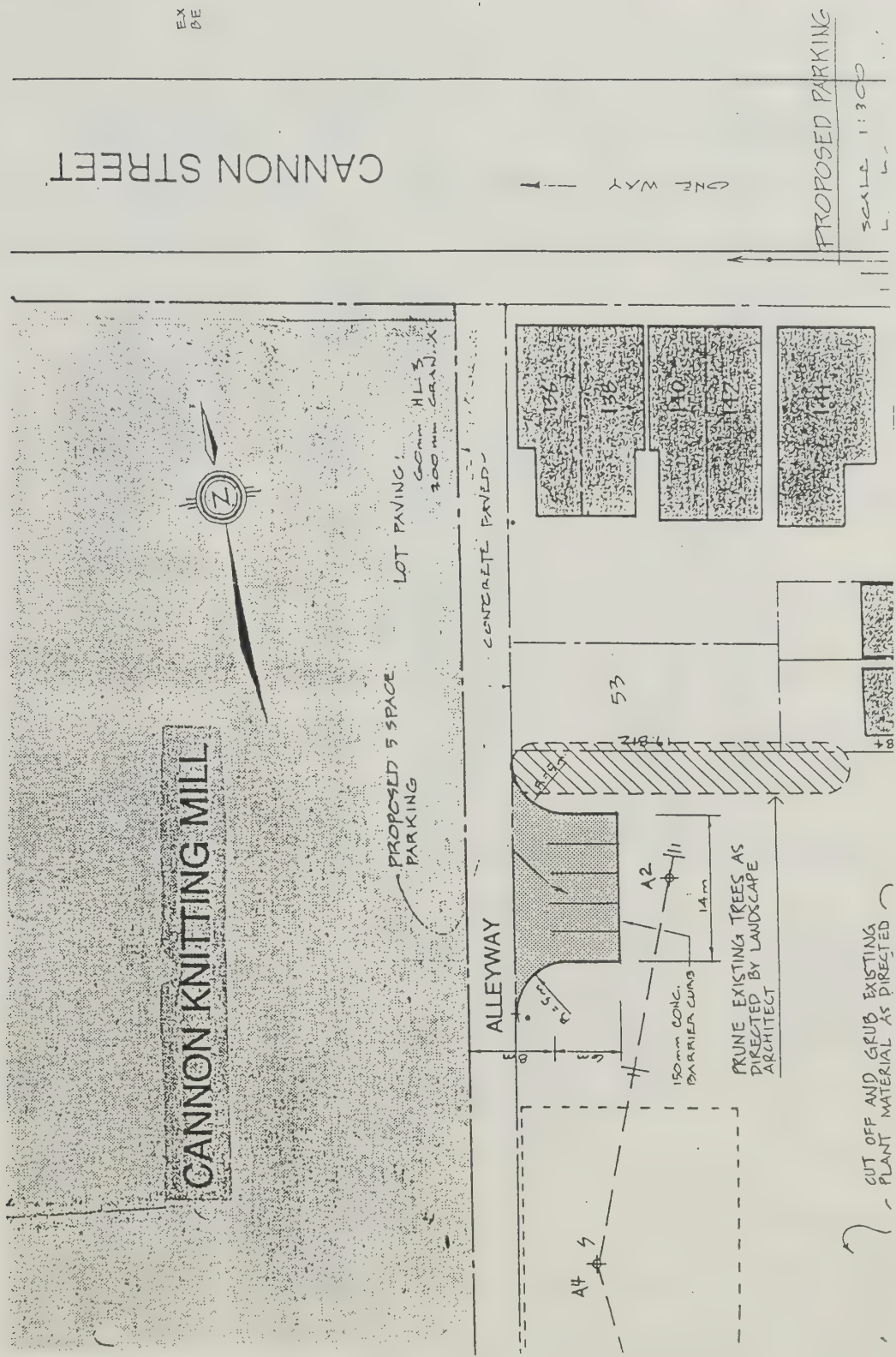
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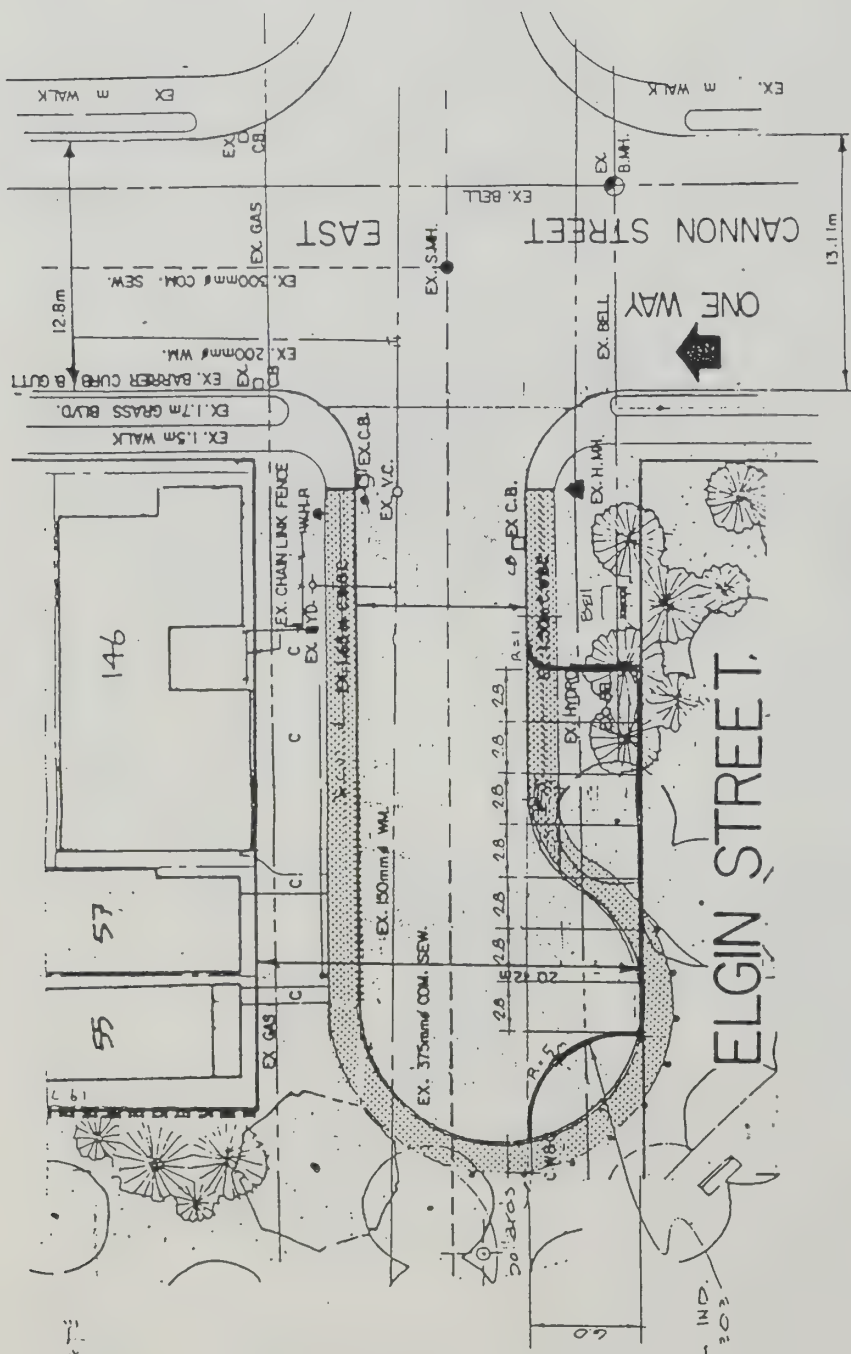
Site of the Application



APPENDIX A



EX
DE



COST ESTIMATE
\$9,700

PROP. 150mm IND. CURB R/S 303

PROP. 150mm IND. CURB R/S 303

PAVEMENT WIDENING
40mm H/S
120mm H/S
400mm GRAN. X

PROPOSED PARKING
ON ELGIN STREET
SCALE 1:200 JULY 16/52

RECEIVED (23)

JAN 25 1993

CITY CLERKS Re CI-92-H

Stella Gertante
909 Turner St. E.,
Clearwater Fla
34616

I am very interested in the way the parking spaces are to be allotted. Also where are the visitors or relatives to be able to park. My sons have parked in the empty spaces, they were told they 'could not park there, even if the space was vacant at the time. Who has the authority to tell them to move? They were checking on their mother - a very short, but timely visit. Please answer to the above address thank you

February 23, 1993

1 (a)

The Cannon Street Residents
136- 144 Cannon Street East
Hamilton, Ontario
L8L 2A5

Tina Agnello, Secretary
Planning and Development Committee
City Hall
71 Main Street West
Hamilton, Ontario
L8N 3T4

RECEIVED

FEB 22 1993

CITY CLERKS

We are addressing the Planning and Development Committee with respect to the parking problem created for the residents of 136- 144 Cannon Street East.

This is an area where the long time residents enjoy the memory of parking in front of their homes. Cannon Street has been one of the major traffic routes in the city since it was widened years ago. Of course parking became a bit more competitive but the residents accepted that challenge.

We have been most recently faced by the closures of Elgin Street and Kelly Street. The residents supported these closures for the purpose of the expansion of Beasley Park. It was also understood that permit parking would be provided by the city for the residents of Cannon Street.

Since that time our Alderman Vince Agro, The Beasley Neighbourhood Association, and The Cannon Street Residents have worked toward the implementation of a feasible parking solution.

On May 5th, 1992 the Beasley Neighbourhood Association carried a motion "That five permit parking spaces be provided for the residents of 136 - 144 Cannon Street East in the north west corner of Beasley Park, adjacent to the alleyway."

Alderman Vince Agro paid a visit to the area to assess all the possible parking solution's for the residents. He agreed that the most feasible solution was that supported by the residents and the Neighbourhood Association.

On Monday June 22, 1992 Alderman Vince Agro managed to rescue an item from the consent agenda of the Transportation and Environment Committee. Staff recommended that the residents of Cannon Street be given "Time Exemption" permits for parking in the bay on Elgin Street and Wilson Street, across the park, almost TWO blocks away from their homes. Staff was directed at that time to come back to Transportation and Environment with alternatives, including parking along the alleyway.

On September 29th, 1992 Transportation and Environment approved the recommendation for a "gravel parking area for five vehicles belonging to the residents of 136 to 144 Cannon St. East to be constructed on the east side of the north-south public assumed alley". A motion to the same effect was also passed by the Parks and Recreation Committee and further that "The Planning and Development Committee be requested to initiate the modification of zoning at Beasley Park to allow residential parking within the Park." Subsequently on September 29th City Council approved these recommendations.

The residents have been using this area for parking, with the cities approval, for the past sixteen months without incident. This location is open on three sides, therefore visibility is not a concern. It is no further than twenty feet from the entrances to the residents backyards, which makes it easily assessable and very convenient. The area is well lit and the residents are satisfied with the safety provided.

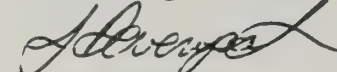
The north-west side of the alleyway is blocked by the Cannon Knitting Mills. The parking area in question is flanked by two exhaust fans that run daily and release the fumes from the factory and they also produce a significant amount of noise. The area was rejected by the Ministry of the Environment, when they were looking for an alternative sight for an air monitoring station, because of the exhaust fumes. Making this area one that would remain unused.

It became apparent at a meeting of the Planning and Development Committee on January 27th, 1993 that staff had reservations regarding the sale of these lands to another body i.e. The Parking Authority. We are well aware that our houses are situated on lands designated for park use in the Beasley Neighbourhood Plan. If the city is unable to manage these lands through ordinary means, perhaps a lease agreement could be arranged with The Parking Authority where by the city has an escape clause to protect its interests in the park lands until a time that the city might choose to incorporate its development.

In conclusion, the majority of the Cannon Street Residents are senior citizens and this is the only option that meets all of their needs. The residents are willing to take over the cost of the gravel for their parking area and will maintain it for themselves i.e. snow-removal as they have done in the past.

We appreciate your consideration in this matter and ask to be heard as a delegation before your Committee.

Sincerely,



J. Davenport

Cannon Street Resident

Stella Fittante, 136 Cannon East, Resident for 60 years
Lois McCullough, 138 Cannon East, Resident for 42 years
Mr. & Mrs. Davenport, 140 Cannon East, Resident for 3 years
Dorothy Hulsman, 142 Cannon East, Resident for 69 years
Mr. & Mrs. Morreale, 144 Cannon East, Resident for 35 years

2.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: February 15, 1993

RECEIVED

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FEB 16 1993

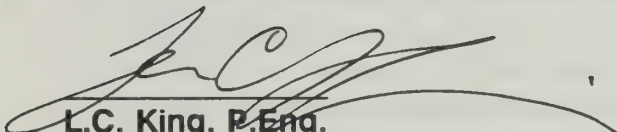
FROM: L.C. King, P.Eng.
Building Commissioner

CITY CLERKS

SUBJECT: BARTON STREET REVITALIZATION (93.2.4.2.1A)

RECOMMENDATION:

That the Building Commissioner be authorized to assign a Loans Officer from the Loans Division to operate out of the B.I.A. site office on Barton Street on a part-time basis to better promote the existing loan programmes.



L.C. King, P.Eng.
LCK/JHR/dc
Encl.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

In response to the Mayor's presentation to the Planning and Development Committee on February 3, 1993, the Building Department would like to provide the following information:

APPROVED BY P & D COMMITTEE, SEPTEMBER 1990

- 1.2 "The City of Hamilton will provide \$800,000 as an enriched loan component to the Convert-To-Rent Programme to make it possible to bring marginal conversions into the Programme."

The Department of Community and Development, as part of its 1990-1994 Capital Budget submission in a report date 1989 October 19, included a request for the establishment of a Demonstration Loan Programme for Barton Street. The \$760,000 proposal was designed to supplement the Provincial Government's Convert-To-Rent Programme once its implementation had been assumed by the City of Hamilton. This Demonstration Programme would first be limited to the Business Improvement Areas pending possible designation of additional areas under the Planning Act.

The Capital Budget request was subsequently reduced to \$740,000 with implementation broken down to \$200,000 in 1990, \$300,000 in 1991 and \$240,000 in 1992. The amount included in the Agreement can remain as the shortfall can be justified by the recyclable account being established with the repayments.

As the Committee is aware, many of the stores located on Barton Street are vacant including unused space on the second and third floors. We propose that this space be converted, where practical, for residential purposes.

We have been able to determine that the present Convert-To-Rent Programme does not provide the incentive necessary for conversion on Barton Street. The main reason for this is the complexity of the Programme, and the inability of owners to obtain the additional funding from conventional sources.

The Department is therefore proposing a loan programme to provide the necessary incentive to encourage conversion. It is proposed that the City provide loans at 6% interest amortized over a ten year period. The maximum to be provided to any one owner would be \$15,000 per unit, to a maximum of \$50,000 per owner. The loans would be secured by a Lien registered on title and each loan would be approved by the planning and Development Committee. All money collected under the repayment would be used to continue the Programme. The interest rate will be written at 13% with an interest reduction grant given to reduce the effective rate to 6%. It the unit

The Department has been involved with the Barton Street B.I.A. since its inception. We are also very aware of their many problems including their very legitimate concern of high vacancy rates. Two years ago the Department recommended and received approval for an \$800,000 Capital Budget expenditure to create a loan programme to help supplement the Provincial Government's Convert-to-Rent Programme. This demonstration programme for Barton Street, however, never resulted in any expenditure because of the Region and City's Development Charges, offset any incentive provided by the provincial programme. This problem was pointed out to both the Region and the City, and as a result these charges have either been eliminated or greatly reduced. Unfortunately, this review took the best part of a year and by the time we were ready to implement, the Province had put a hold on the funding for the Convert-to-Rent Programme.

The Department is hoping that the programme will be funded under the new budget to be announced within the next six weeks. If the province decides not to fund, the Department recommends a revision to the approved guidelines (see attached) in order to provide an incentive to owners to create additional residential units on the second and third floors of commercial establishments.

The City Commercial Facade Loan Programme has been available in the Barton Street B.I.A., and we have been able to process seven applications at a cost of \$119,119. The Department has also received approval from the Committee and City Council to implement a new programme for the upgrading of the interior of commercial properties located in B.I.A. areas. The major benefit of this new programme is that we are now in a position to grant low interest loans to tenants as well as owners. City Council approved this programme January 12, 1993 and the Department has recently addressed almost all the B.I.A.'s about the expansion of the programme to include tenants as well as interior work.

The Department acknowledges that Barton Street needs added incentives, and for that reason we are recommending that a Loans Officer from the Loans Division be assigned to the Barton Street Site Office. It is anticipated that if this occurs the Officer will be able to visit and discuss the various programmes and their merits with every owner and tenant. An exact time table or when this will occur is contingent on when the Public Works Department receives approval to open and staff the site office. In the interval we will continue to encourage the Provincial Government to continue funding the Convert-to-Rent and Low Rise Programmes. The Department will keep the Committee informed of any future developments as they occur.

**Provincial/Municipal Housing
Agreement
continued...**

is sold within five years, the interest reduction grant will be cancelled and the penalty of the higher interest rate applied. The Department will also negotiate with the owner of the initial rental charge, taking into account all government subsidies. The Department will also advise the Rent Review Office of the established rate.

It is acknowledged that there will be zoning problems, but these will be handled on a one-to-one basis. We also propose to work closely with the Business Improvement Area and the Local Aldermen to ensure neighbourhood acceptance of the Programme. It should be noted that although this must be funded under the Capital Budget, the City will be receiving all the Capital back, plus an additional 6%. There will of course be a loss, as the cost of borrowing for the City is more than 6%.

CITY OF HAMILTON
- RECOMMENDATION -

3.

DATE: February 23, 1993
DA-92-36
Corktown Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. Pavelka, Chief Administrative Officer
Mr. V. Abraham, Director Local Planning

SUBJECT: Hamilton Go Transit Centre at 36 Hunter Street.

RECOMMENDATION:

That in regard to the development of the Hamilton Go Transit Centre at 36 Hunter Street, Go Transit be requested to address the following:

- a) Alternative designs of the Hunter Street frontage should be reviewed to address the pedestrian spaces, vehicular movements and related details which are within the project property and the Hunter Street road allowance;
- b) The proposed ramp and reconstructed steps at Hughson and Haymarket Streets should include a canopy as an extension of the Transit Centre roof structures and the appropriate agreements be provided;
- c) The pedestrian waiting areas adjacent to the parked bus areas should be considered to be climate controlled waiting areas;
- d) The pedestrian canopy interface between the project and the bridges at John and James Street should interconnect and provide a continuous covered fully accessible pedestrian walkway with appropriate agreements for construction within the road allowances;
- e) Pedestrian paving patterns within the projects should be integrated with pedestrian movements crossing the driveways at James and John Streets with appropriate agreements for construction within the road allowance;
- f) The interface of stairs and connections from the train and bus platforms to the adjacent sidewalks on James and John Streets should be designed fully accessible with safety considerations and improved lighting, with appropriate agreements for any construction or features within the road allowances; and,
- g) The Issues Paper, Appendix "A" and the Comments on the Go Station, Appendix "B" should be re-examined to incorporate detailed concerns previously noted.
- h) Updated plans should be submitted for review and comment.


J. Pavelka
Chief Administrative Officer


V.J. Abraham, M.C.I.P.
Director of Local Planning

BACKGROUND:

At its meeting of September 23, 1992 and November 10, 1992, the Planning and Development Committee considered reports from CAPIC and the Urban Design Committee on a variety of matters dealing with the Hamilton Go Transit Centre and its environs.

Subsequently, Go Transit submitted drawings which were 25% completed. These plans were circulated to municipal departments, sub-committees and neighbourhood associations for comments.

COMMENTS RECEIVED:

1. The Building Department has advised that comments will be submitted when applications for a Building Permit and Site Plan Control Applications have been made by the owner.
2. The Hamilton Street Railways has indicated that they are in discussion with GO Transit officials regarding dispatch office and storage spaces.
3. The Public Works Department has advised that they have no comment on the submitted plans.
4. The Special Projects Office has indicated the following:
 - areas for bicycle storage are suggested at the front and rear entrances of the terminal.
 - the reconstructed stairs at Haymarket and Hughson Streets should include ramps on either side of the steps for cyclists.
5. The Roads Department in their attached comments have advised the following:
 - the existing bridges at James and John Streets will be retained.
 - an alternate design and alignment of Hunter Street between John and James Streets is being developed for discussion purposes to improve pedestrian refuge in front of the station entrance.
 - appropriate landscape/paving agreements are required.
 - roadway improvements require City Council approval and costs for the work will be the responsibility of the owner.

- radii improvements and sight visibility lines are necessary at entrances and intersections.
- construction and modifications of stairs and the new ramp requires an encroachment agreement with all costs being the responsibility of the applicant.
- an appropriate grading plan must be submitted.

6. The Advisory Committee of Capic have submitted their attached minutes of their meeting of January 6, 1993. They have addressed a number of issues. Three main concerns should be noted.

- a) The front of the station along Hunter Street should provide a pedestrian plaza concept. Alternatives should be prepared to create this space and reduce the pedestrian/vehicular conflict as much as possible.
- b) The bus waiting area should have a climate controlled area extending the length of the rear of the building.
- c) The pedestrian link from Hughson and Haymarket Streets to the rear entrance of the Terminal should be an overpass which avoids conflicts with the bus traffic.

The related steps and ramp should be covered to provide weather protection.

7. The Barrier Free Design Sub-Committee in their attached comments addressed the following:

- adequate signs for Barrier Free paths of travel.
- appropriate lighting levels.
- provision of a roofed over pedestrian bridge from Hughson Street as opposed to the proposed stairs and ramp and crossing the bus traffic.
- submission of more detailed plans to include curbcuts, depressed sidewalks, use of contrasting colors, textures, automatic door devices, etc.

8. The Urban Design Committee in their attached letter have indicated a variety of concerns which include the following:

- a) The Hunter Street area has not been modified to address previously mentioned concerns of pedestrian spaces and vehicular movement.
- b) The Haymarket/Hughson Street access has incorporated a pedestrian ramp. As a "gateway entrance" this area should be designed and function as a high quality pedestrian space.
- c) The pedestrian link from Haymarket and Hughson Streets should be provided as an overpass instead of the grade crossing to conflict with buses.

COMMENTS:

The circulated plans submitted by Go Transit represented drawings which were 25% completed for the tender documents. As such, much information and design work was not included. A previous report of October 28, 1992 to the Planning and Development Committee included an Issues Paper Appendix "A" and Comments on the Go Station Appendix "B" which should continue to be reviewed during the preparation of the drawings for the development. Although some of the details extend beyond the property limits, many items remain within the project development and should be addressed. Comments from many of the departments, sub-committees and neighbourhood association have repeated those concerns due to the preliminary nature of the circulated plans.

Among those issues which should be addressed in more detail are the following:

- a) Throughout previous meetings and discussions, the design of the Hunter Street frontage has been at the fore front in the need to address traffic and pedestrian movements, conflicts and resulting spaces. Although the circulated plans have provided a larger sidewalk in front of the main entrance doors, the initial concept has not been altered. In an effort to address concerns related to this project and the municipal roadway, the Departments have initiated a number of alternative designs which consider the overall Hunter Street frontage. These alternatives should be considered by Go Transit in discussion with the departments involved.
- b) The pedestrian link from Hughson Street South/Haymarket Street has also been the topic of many meetings. Although a pedestrian ramp has now been incorporated, concern for the conflict between pedestrian and bus traffic remains. A number of sub-committees have recommended that a pedestrian bridge be provided in this area to resolve this conflict. Go Transit consultants have indicated that a bridge would require a minimum clearance for the buses and therefore pedestrians would have to go up step/ramps from Hughson Street and at the bus platform decent a substantial vertical distance. This would be undesirable since the existing and proposed grade separation at Hughson Street is not very great and more acceptable to the users. The crossing at grade level would require the buses to come to a full stop at the crossing which would further be enhanced by a different paving material.

The departments have indicated that the ramp and reconstructed stairs should include a canopy as an extension of the projects' canopy for pedestrian protection.

Appropriate agreements for construction within the road allowance would be required.

- c) The pedestrian waiting area near the bus loading spaces is proposed to be covered from James Street to John Street. Benches are to be built into the new retaining wall with a larger open space located at the centre of the platform. Additional benches and bike storage racks surround this area.

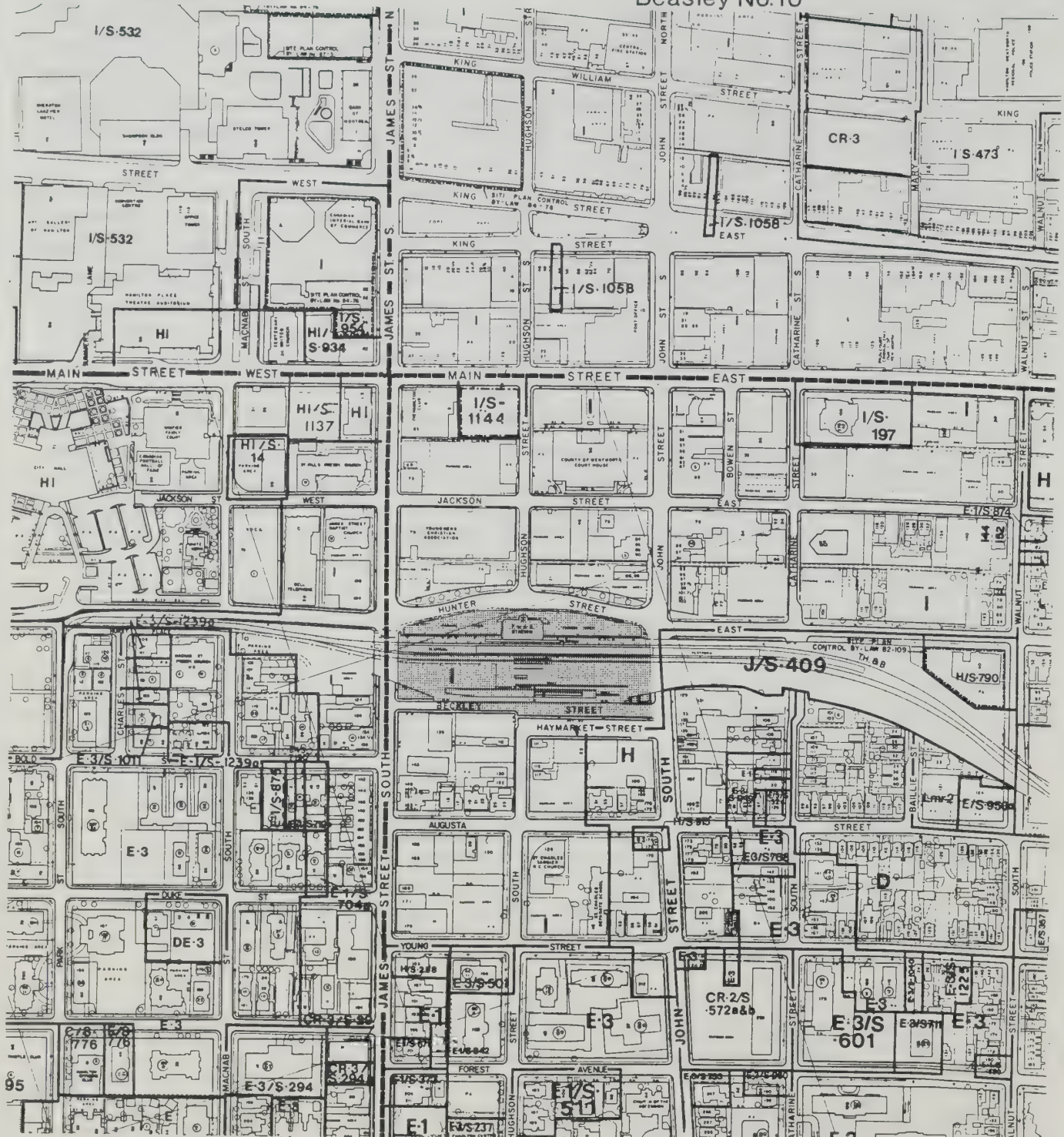
Previous and present comments have indicated that this pedestrian waiting area should be climate controlled. Although roof covered, the harsh winds in this area would make the space very uncomfortable for those waiting for buses.

- d) There are a number of canopies or roof areas surrounding the project. They are located along the north wall facing Hunter Street, the rear bus platform area, the existing bridges along James and John Streets. It appears that those canopies stop at the property lines and do not continue to the next covered area. Go Transit should review these details and ensure the pedestrian covered concept is carried through to adjacent areas such as the existing bridge structures.
- e) The preliminary landscape plan for the project identifies some concepts in providing different textures for pedestrian circulation areas. This is particularly noted at the bus entrance area and the Hughson/Haymarket link at the rear of the building. The concept is supported and should be further examined with the appropriate departments for work within the road allowance. Improvements at the street intersections would create a better identity for the Transit Centre and improve the pedestrian quality of the streets.
- f) In a similar manner, pedestrian links from the train and bus platforms connect to both James and John Streets at certain points. The preliminary plans show these points to create possible hiding places where safety is questionable. Go Transit should examine the details of these areas to ensure fully accessibility, adequate lighting and safe design for entering those areas and discussion with the appropriate department for work within the road allowance.

Since the plans are developing at a very rapid pace, Go Transit should submit updated plans for review and comment.

Central No.21

Beasley No.10



Durand No.41

Corktown No.31

City of Hamilton
Plan Showing
Lands Subject to
Site Plan Control
Application DA-92-36

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



Site of the Application

North



Scale
1:5000

Date
OCT., 1992

Reference File No.
DA-92-36

Drawn By
E.C.

APPENDIX "A"

ISSUES PAPER

This paper is a list of issues identified by the Advisory Committee on GO Transit. It pertains to the land surrounding the TH&B Station; however, there are issues linking to the station itself and these, too, are included in this document.

1. Vehicular Traffic

- The function of Hughson Street in terms of vehicle and pedestrian use is a major issue and must be resolved.
- Baillie Street is a quiet cul-de-sac in the middle portion of Corktown Neighbourhood. GO is proposing an access from Baillie Street to its eastern parking lot (for its tenants). There is concern this access will increase traffic volumes to an unacceptable level in Corktown Neighbourhood and on Baillie Street.¹
- Traffic control should be reviewed along John Street in the vicinity of Augusta Street due to concern about bus access to John Street from the GO Centre.
- GO Centre signs should be posted on the arterial roads to help keep traffic off the neighbourhood streets.
- Haymarket Street may be used as an alternate access to the bus area at the rear of the station. Should this happen, traffic levels in Corktown Neighbourhood will increase. Vehicle movement around the station, including Haymarket Street should be fully studied.

2. Pedestrian Traffic

- It is anticipated that pedestrian traffic in the area of the GO Station will increase. A thorough study of pedestrian and vehicular traffic in the area of John, Jackson, James and Augusta Streets, including links to the downtown core, should be undertaken.
- Facilitating pedestrian crossing of Hunter Street must be addressed as the volumes of traffic on Hunter Street will make the pedestrian crossing of Hunter Street difficult. Pedestrian crossing of Hunter Street is important because:

¹ As of October 16, 1992, GO Transit has informed the Planning Department, in writing, that this access via Baillie Street is no longer being considered.

- a) the major east-west HSR routes are on King and Main Streets; and,
 - b) the Hughson corridor will provide a main access to the downtown core and Gore Park.
- Secondary pedestrian routes should be established east and west along Hunter Street.

3. Parking

- It is GO Transit's intention to establish the Hamilton GO Centre as a service point for persons accessing Hamilton via public transit. In this regard, long-term commuter parking will not be provided by GO Transit in the vicinity of the station; that function is fulfilled by the Aldershot Station in Burlington. In light of this philosophy, the provision of other parking facilities in the area should be reviewed as some members of the Advisory Committee felt additional parking facilities should not be provided in the area. It should be noted that other members of the Committee felt that parking facilities in this area of Hamilton should be increased.
- Lighting in the two parking lots at the western and eastern ends of the station should be directed away from the neighbourhood residential areas.
- Parking controls in Corktown Neighbourhood should be reviewed in order to prevent long-term on-street parking.
- The property currently owned by the City, at the north-east corner of Hughson and Hunter Streets known as the former Health Building, is proposed for redevelopment by the Parking Authority. Redevelopment of this property should incorporate urban design principles to add to the area around the station.
- The design of any new building, either public or private, on this site should be reviewed in order to address urban design and streetscaping issues vis-a-vis the GO Centre.

4. Accessibility

- Wheelchair access, at grade, with level crossings, should be provided in the station and at the bus terminal.
- Street corners must be accessible (level crossings). Crossings should not impede the movement of either physically disabled persons or the visually impaired.
- Wheelchair access to the bus terminal at Hughson Street South and Haymarket Street should be provided.

- The steps and access from Haymarket Street should be designed as a generous and inviting space.

5. GO - HSR Links

- The main east-west HSR bus routes are on Main and King Streets. John Street South and James Street South are the major north and south routes. The following are the issues identified:
 - a) Pedestrian links to the east-west bus routes must be established on Hughson Street and enhanced.
 - b) North-south bus links at the GO Centre are in the planning phases. The existing bridges at James and John Streets are being reviewed for reconstruction. Reconstruction must be completed prior to the commencement of GO Service in order to avoid any interruption of GO Rail Service.
 - c) The main H.S.R. bus terminus should remain in Gore Park.
- The proposed replacement bridges at James and John Streets should be designed with full public consultation.
- The HSR drop off areas at James and John Streets must be resolved in order to achieve the following:
 - a) ease of access from James and John Streets for passengers;
 - b) integration of HSR Service with GO Service.

6. Heritage

- The heritage features of the T.H. & B. station, both its building and site, should be retained.
- The MacNab-Charles Heritage District should not be compromised. Hurst Street is narrow (6.0 m) and any widening of the track lands onto Hurst Street may affect the Heritage District properties.

7. Streetscaping

- Serious consideration should be given to the improvement and provision of high quality streetscape elements.

The station area should link up with such areas as the MacNab-Charles Heritage District and future Ferguson Avenue developments. Streetscape improvements

should extend into the neighbourhoods which will be most impacted by the GO Centre's development.

Streetscape elements would include and provide for, but not limited to, the following, in a comprehensive design:

- Tree Planting
 - Lighting
 - Planters and Planting
 - Seating
 - Signage
 - Bus Shelters and Stops
 - Public Telephones
 - Information Kiosks
 - Newspaper Boxes
 - Mail boxes
 - Wheelchair ramps
 - Drinking fountains
 - Bicycle Racks
 - Overhead Shelters
- Landscaping on the arterial roads and the pedestrian routes (trees and shrubbery) should be provided.
 - Building facade design and treatment should enhance the streetscape spaces.
 - Advertising features around the GO Centre should be fully evaluated.

8. Layover Yard

Because of the very grave concerns regarding the location of the layover yard at Victoria Avenue, the city should initiate urgent and thorough discussions with the GO and Rail authorities, to evaluate all alternatives for the location of the layover yard.

Specific concerns regarding the layover yard are:

- night time activity at the layover yard. Concerns include the servicing of the trains at this yard, the movement of trains at night in the yard, the internal lights in the train remaining on, noise emanating from the yard from trains running at night, i.e. air conditioning, train start-up, etc..
- overpowering air pollution from the trains.
- inadequate noise attenuation measures.
- objectionable noise attenuation measures such as high walls, etc.
- light pollution from security lights to adjacent properties.
- loss of privacy, due to the close proximity of bi-level trains.
- lack of security to the yard from City streets and school site.

- question of future use and operation of yard if planned expansion of service occurs.

Note for Information:

The Environmental Assessment approval included an approval for a layover yard at Victoria Street. The approval of this yard is subject to the fulfilment of the following conditions:

- "• GO Transit will consult with the local ratepayers and municipality for public input on the design and construction of the proposed Victoria Street storage yard;
- prior to the commencement of construction of the Victoria Street storage yard, GO Transit shall provide for the review and acceptance by the Ministry of Environment (MOE) Noise Assessment and Systems Support Unit, a Design and Construction Monitoring Report which details specific mitigation measures;
- GO Transit will only construct and operate the Victoria Street storage yard in accordance with the specific mitigation measures specified in the accepted report" (as noted in the previous condition).

GO Transit has hired a consultant to examine the layover yard at Victoria Street as well as other possible locations (all of which are further to the east). However, there is no requirement that GO select an alternate location to the Victoria Street yard, unless this site does not satisfy M.O.E. requirements.

9. Other

- North Corktown Park - the tracks run directly south of this park. A barrier to prevent access from the park should be provided.
- Noise emanating from the rail line in Corktown Neighbourhood should be mitigated through the provision of visually attractive noise barriers.
- There is concern about land speculation in the area of the GO Centre and that appropriate development guidelines should be established.

10. Co-Ordination

It was the general opinion of the Sub-Committee that there is a very real need for a highly qualified, experienced professional coordinator to ensure resolution of issues regarding the Hamilton GO Transit Centre, as outlined in the foregoing.

APPENDIX "B"

COMMENTS ON THE GO STATION

1. That an enclosed waiting area be provided for bus passengers adjacent to the bus loading area.
2. That provision be made for taxi drop-off and pick-up at the rear of the station building (on Haymarket Street) to serve bus passengers.
3. That GO Transit examine ways to improve passenger safety in crossing the bus platform from the waiting area to Haymarket Street and Hughson Street. The current proposal will require passengers to cross the bus platform (the area where buses drive into and out of the station) in order to access Hughson Street and Haymarket Street.
4. That GO Transit incorporate the following features into the station design to provide safety and security for its passengers:
 - a) benches in the public areas of the station and the bus waiting area;
 - b) appropriate lighting in waiting areas and stairwells;
 - c) emergency telephones;
 - d) retail operations (e.g. coffee shop, newspaper kiosk) with operating hours coinciding with train and bus arrivals/departures;
 - e) information on links to other transit opportunities (e.g. Canada Coach, HSR);
 - f) a map of Hamilton to orient passengers to the City;
 - g) signs indicating access to other facilities (e.g. Copps Coliseum, Hamilton Place) in the area.
5.
 - a) Wheelchair access, at grade, with level crossings, should be provided in the station and at the bus terminal.
 - b) Wheelchair access to the bus terminal at Hughson Street South and Haymarket Street should be provided.

ROADS DEPARTMENT

- MEMORANDUM -

VA

TO: V.J. Abraham, M.C.I.P.
Director of Local Planning
Planning and Development Department

YOUR FILE: 4143 VM JBS

FROM: Eugene P. Chajka, P. Eng.
Manager of Development
Roads Department

OUR FILE: T124-01
E220-0307
PHONE: 546-2809
DATE: 1993 January 27

SUBJECT: Proposed Go-Transit Terminal
Hunter Street - James Street - John Street - Beckley Street
City of Hamilton

We refer to your letter dated December 10, 1992 regarding revised plans for the above noted development. We have reviewed this matter with various staff and submit the following comments:

- 1) According to our information, we understand that the application for funding for the reconstruction of the T.H. & B. Bridge structures on James Street and John Street has been denied. As a result, we have reviewed this development on the premise that the existing railway structures will be retained.
- 2) We have reviewed the proposed Hunter Street roadway changes submitted by Go-Transit and the existing roadway cross-section and have prepared preliminary functional designs for the realignment of this section of Hunter Street within the existing road allowance. The key components of this realignment are the removal of the parking meters, the shifting of the two through traffic lanes to the north and the provision of an approximate 3 to 4m landscape strip between the south curb lane of Hunter Street and internal access driveways of the Go-Terminal. This will also provide an area for pedestrian refuge as they cross Hunter Street at Hughson Street. We expect to have these plans submitted for your review in the near future.
- 3) The applicant/owner must enter into a landscaping/paving agreement with the City of Hamilton for the modifications to Hunter Street.

Cont'd...

**Proposed Go-Transit Terminal
Hunter Street - James Street - John Street - Beckley Street
City of Hamilton**

Cont'd...

These roadway improvements require City Council approval and the costs for this work will be the responsibility of Go-Transit.

- 4) We require further radii improvements at the intersection of John Street and Hunter Street and James Street and Hunter Street to accommodate B-12R design vehicles turning from the curb lane only.
- 5) We require further radii improvements at the entrance to the Terminal on James Street South to ensure that B-12R design vehicles can turn from the curb lane only.
- 6) The retaining wall on the northside of Haymarket Street at John Street must be modified such that the wall from the extension of the curbs on the west side of John Street to a point 5.0 metres westerly does not exceed a height of 0.60m above the corresponding perpendicular centreline elevation of John Street. These modifications are required to ensure adequate horizontal sight lines for vehicles exiting the Terminal onto John Street. We require that stamped engineering plans for these modifications to the concrete wall be sent to this office for review. All costs to be at the expense of Go-Transit.
- 7) The construction and modification of the stairs and the new wheelchair ramp on Haymarket Street down to the Terminal pavement grade requires an encroachment agreement with the City of Hamilton. We require that stamped engineering be sent to this office to review. All costs to be at the expense of G-Transit.
- 8) Comments from the City of Hamilton Traffic Department with respect to parking access to MacNab Street etc. shall be considered.
- 9) As the railway structures are owned by the Railway Company their approval is required for any modification to the structure, stairways etc. Any other works within the adjacent road allowance must conform to the respective Streets By-Laws.

Cont'd...

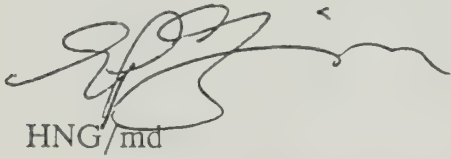
-page 3-
1993 January 27

Proposed Go-Transit Terminal
Hunter Street - James Street - John Street - Beckley Street
City of Hamilton

Cont'd...

- 10) We require the submission of a detailed grading plan which outlines all topographical features, existing and proposed elevations, grading and drainage etc. All grading and elevation information must be related to existing geodetic bench marks.

Should you require further information or wish to meet and discuss this, please call Mr. Harold Groen of this office at 546-4278.



HNG/md

cc: R. Karl, Traffic Department
cc: J. van der Mark, Roads Department
cc: E. Hicken, Roads Department

ADVISORY COMMITTEE ON THE
HAMILTON GO TRANSIT CENTRE

MINUTES OF JANUARY 6, 1993 MEETING

The meeting was held on Wednesday, January 6, 1993 at 7:00 p.m. in Room 233, City Hall.

MEMBERS PRESENT:

Gil Simmons	CAPIC; Urban Design; Chairperson
Peter Hill	Urban Design Committee
Brenda Mitchell	Stinson Neighbourhood
Jim Drake	Beasley Neighbourhood
Greg Gurthreau	Downtown B.I.A.
John Noonan	Stinson Neighbourhood
Helene Fallen	Durand Neighbourhood
David Beland	St. Clair Neighbourhood
Greg Ortmann?	

REGRETS:

Marianne Mokrycke	Urban Design Committee
Francois Roesch	Corktown Neighbourhood
Alderman Wm. McCulloch	

OTHERS PRESENT:

Bill O'Brien	Transportation Services (HSR)
Peter Baker	Parking Authority
Vladimir Matus	Planning Department
John Sakala	Planning Department
Vanessa Grupe	Planning Department
N?, Building Dept?	

1. WELCOME AND INTRODUCTIONS

Gil Simmons, Chairperson, opened the meeting by welcoming those present.

The purpose of the meeting was to review the 25% Working Drawings for the Hamilton GO Transit Centre, and to provide an opportunity for discussion by committee members.

2. OVERVIEW OF WORKING DRAWINGS

John Sakala noted that the 25% working drawings were received by the Planning and Development Department in mid December, 1992. Copies have been circulated to various municipal departments for their review, in the manner that they would review site plan applications. Several advisory committees and citizens have also been sent copies for their comments. The deadline for comments was December 31, 1992, although further time is required, since few comments have been received to date.

He reviewed the main components of the GO Centre, as contained in the working drawings. These including the site plan and elevations. A floor plan has been included for information.

The site plan indicates that vehicular traffic will flow through the area at the front of the building, with a small pedestrian refuge area in front of the entrance. At the rear, a gate feature is indicated close to James Street, with landscaping. A canopy is shown along the bus bays, and a different paving pattern for the pedestrian path through the bus area.

3. REVIEW OF WORKING DRAWINGS VS. ADVISORY COMMITTEE COMMENTS

John Sakala reviewed "Appendix A", the summary of issues pertaining to the Hamilton GO Transit Centre, as included in the report to the Planning and Development Committee of November 4, 1992, and forwarded to GO Transit. He noted that:

- The heritage features of the station should be addressed by means of LACAC's comments.
- Of the streetscape elements, spaces have been provided for some in the working drawings, such as telephones, information kiosks, newspaper boxes and mail boxes. Staff will try to ensure that these and other streetscape elements are incorporated.
- The working drawings pertain to the GO Centre only, and not the Layover Yard, so issues regarding the latter are not addressed.
- There is no mention of the proposed renaming to the "GO Hamilton Transportation Centre".
- The plans do not address the request for an enclosed waiting area for bus passengers.
- There has been no comment by GO or City departments about moving taxis to the rear.
- The landscaped area at the front has been increased slightly, although it is shown as a concept only, with the details yet to be finalized.

Gil Simmons asked whether there had been any written response from GO Transit regarding these Appendix "A" comments, which there has not been.

Peter Hill outlined comments from the Urban Design Committee, contained in the attached letter of January 5, 1993 from Marianne Mokrycke, which was distributed at the meeting, and which addresses the following areas, in addition to those noted in earlier comments:

- The Haymarket Street connection offers an opportunity to provide a gateway to the station which enhances and contributes to the urban quality of the surrounding neighbourhood;
- Possible slight raising of the pedestrian walkway through the bus area; and,
- The area to the north of the station appears virtually unchanged from before. The preliminary design of this area was noted as a major concern previously, and remains one.

Peter Hill asked about the status of the consultant study of the area surrounding the GO Centre, which was recommended by the Advisory Committee, and endorsed by City Council.

4. PROGRESS RE FUNDING FOR CONSULTANT STUDY

Vanessa Grupe noted that the Planning and Development Committee, at its meeting of November 4, 1992, directed staff "to approach the Province for funding to undertake a consultant study to review the design and land use in the vicinity of the proposed Hamilton GO Transit Centre." A Terms of Reference was to be prepared, outlining the work to be undertaken, and including the issues identified by the Advisory Committee.

The Planning and Development Committee, at its meeting of November 18, 1992, directed staff to request the appropriate ministries of the Province to consider the provision of funding for the study, in the amount of \$60,000.00. The Terms of Reference, outlining the study methodology and the anticipated results, was included in the associated report to the Planning Committee.

Discussions have been held with various Provincial staff on this matter. On December 21, 1992, Bill Janssen and Vanessa Grupe of the Planning Department met with staff of the Ministry of Transportation in Downsview, to discuss with them the possibility of funding. The M.O.T. indicated that they might consider providing 50% funding for the transportation component of the study, namely vehicular and pedestrian circulation, and parking aspects of the study. Planning Dept. staff are preparing a revised Terms of Reference and methodology which deals with this component. The Ministry of Municipal Affairs is also being asked to reconsider their early negative response to the funding request, based on the comments from the M.O.T.

5. COMMITTEE DISCUSSION REGARDING WORKING DRAWINGS FOR GO CENTRE

The following is a summary of the comments made at the meeting concerning the GO Centre:

- Open space at the front of the station building - several members said that the size of this area had not been noticeably increased.
- Bus waiting area - Greg Ortmann asked whether the bus waiting area was covered, since there had been discussion about having it enclosed and climate-controlled. Bill O'Brien noted that the canopy now extends to the end of the buses, rather than just to the bus doors. On two bus platforms, there are wheelchair lifts, which access doors near the rear of buses on a few specific trips. Enclosing the entire waiting area would create difficulties, and the main concourse area in the building is climate-controlled. There was discussion about the enclosed waiting area at the Toronto bus terminal, and the importance to bus users of queuing up near where they board buses, to get good seats.
- Personal safety - David Beland noted the importance of personal safety. He said there have been attacks on people in the existing terminal, at the ends where there are few people. He felt that a climate-controlled area would increase safety, due to greater self-surveillance by users. Jim Drake suggested that a central, glassed-in ticket office at the rear of the station, such as the dispatch offices, could be used to provide surveillance for the waiting area.
- Wheelchair ramp - Peter Hill noted that there is no canopy shown over the wheelchair ramp at the Hughson Street steps, which will be used by people travelling slowly, possibly including the elderly, people with strollers and others who wish to avoid the steps.
- Parking area at west side - It was asked how the people using the parking lot with 60 or 70 spaces, located to the west of the station, would move to/from the station. There appears to be no canopy between the lot and the station, although this is unclear on the drawings. Also, there is no landscaping indicated for this parking lot. The Central Area Plan indicates that such landscaping should be ensured by means of the site plan process for parking lots in the Central Area. This lot is located at the edge of the MacNab heritage district.

- Bridges at James and John Streets - Bill O'Brien noted that the issue of replacement of these bridges is not yet resolved, since there is no commitment of funds for this as yet. GO is still prepared to consider stair access from the sidewalks below the bridges, up to the platform, if no new bridges are built. This affects other matters, including the design of access to/from the parking areas, and bus stop locations. The replacement of the bridges is desirable to allow direct connection from local buses to GO Trains. The present bridges, with their central rows of columns, are too narrow to allow for four lanes of traffic on James and John, or bus stops under the bridges. Approximately \$15 M is needed to replace the bridges, to provide proper integration of local bus service with GO, and to replace these outdated bridges.

It was also noted that the drawings incorporate the existing bridges, rather than the new bridges which may be built. Members felt that there may be changes in the location of features with the reconstruction of the bridges.

- Beckley Street closure - It appears that Beckley Street will be closed off in non-operating hours, namely during the middle of the night when buses are not running, by such means as gates. It was asked whether this would restrict snow ploughs and related services.
- Pedestrian access to rear of building - The routing of pedestrians through the bus area at the rear of the station was felt to be an unacceptable conflict of uses, especially from the standpoint of safety. This pedestrian/bus conflict is of particular concern for the elderly and others who may be walking slowly. Members were concerned that buses may be reversing out of bus bays, over the pedestrian walkway, although there may be sufficient room that they will not. With the approximately 125 buses arriving each day, using present scheduled arrivals, this conflict is a major concern.

A pedestrian overpass is felt to be needed here, to bring pedestrians up over the bus area, although this would mean an elevator might be required inside the station. It was suggested that a raised walkway be built, designed in a manner sympathetic to the art deco architecture, for the use of pedestrians and wheelchair users. This would also allow room for several more bus bays.

- Landscaping along James and John Streets - It was felt there may be room available for this. At the front of the building, the provision of a boulevard wide enough for street tree planting should also be requested.
- Front of Station at Hunter Street - The Central Business District Study identified four alternatives for the area along Hunter Street. Some members felt, since the north door of the GO Centre is such a critical area, that the Committee should adopt the concept of the pedestrian plaza above a separate vehicular level, and request GO to incorporate this into the station design. This would require the excavation of the vehicular use areas at the north side.

Other Committee members noted that such a grade separation must be endorsed by the City and Region before GO Transit can be requested to incorporate it. One member felt that it may be not feasible technically. Staff encouraged the Committee to look at all possible approaches, including an underground pedestrian concourse; a +15 elevated pedestrian plaza; and the shared use by pedestrians and vehicles of the area, at different times; in order to develop the best solution.

There was discussion about whether it was most appropriate to provide for grade separation of pedestrians and vehicles at the GO Centre, or in the downtown core. Also, in terms of the interface with local bus service, it is desirable to provide a pedestrian-friendly corridor between the GO Centre and Gore Park where users would connect with the east-west routes, comprising half of the local bus routes. In summary, it was noted that the Committee had considerable concern about the main front entrance, especially the pedestrian/vehicle interface, and access to Gore Park. Further review is

needed of the options for the Hughson Street corridor, and their technical feasibility, which could possibly be included in the proposed consultant study of the vicinity of the GO Centre.

- Vegetation on walls at Haymarket Street - A feasibility study should be requested on tree plantings here, such as cedars. These would likely be on City property, if on the upper Haymarket Street level. Perhaps this could be done via community renewal. Vegetation which grows down the north side of a wall, such as that on the Claremont Access, could also be considered.
- Taxis - Concern was expressed that sufficient space had not been allocated for taxis at the front of the station. At the existing Rebecca Street bus station, there are up to 15 taxis at times, which want to queue up. The plans allow for significantly fewer taxis. It was suggested that taxis might be more appropriately located at the rear of the station, since they are not a particularly attractive use, although the station design may not be able to accommodate this. It is likely not desirable to mix taxis and buses, especially since the latter must back up out of bays in the terminal area, and some have large blind spots.
- Vehicular flow at front of station - It was suggested that a wider curb cut is required at the north-east corner of the front lot. The configuration shown makes for a very difficult turn for vehicles. A consultant should address this access, and also identify options for future expansion of this drop-off area. No comments on such matters as this have yet been received from the Traffic Department. The front doors are very close to the point where vehicles can drive through the front area.

6. STATUS OF LAYOVER YARD PROJECT

Vanessa Grupe provided an update on this project, as of a discussion today with GO Transit:

- All the field work has been done for the noise study at the layover yard;
- GO Transit staff have had some preliminary discussions with the Ministry of the Environment noise expert, to ensure that their assumptions and modelling techniques are acceptable;
- When M.O.E. replies to this preliminary work, which was submitted to them just before Christmas, (hopefully in a week or so), they must look at the implication for mitigating noise;
- They will then present their findings to the Stinson Community Association, likely in February, and then to the general public, if necessary;
- Rather than letting the trains run all night, they are evaluating the possibility of shutting them off for part of the night, and starting them two hours before service begins.

The Advisory Committee suggested that they would like to meet with GO to review the noise report, prior to it being presented at a public meeting. The Stinson Community Association would likely want to be briefed on the findings first, and would probably prefer to have a public meeting in their neighbourhood, to which they would invite other groups. According to the conditions of the E.A. approval, GO must "consult with the local ratepayers and municipality for public input on the design and construction of the ... storage yard". They will have to show the process which was followed regarding public input.

7. NEXT STEPS

Gil Simmons said that, since the Committee is a sub-committee of CAPIC, the comments from this meeting should be forwarded to CAPIC at their next meeting on January 29, 1992. CAPIC should also be informed that the Advisory Committee is pleased that the City is pursuing the hiring of a consultant to undertake the study. There was discussion as to whether they should be forwarded also to the Planning and Development Committee. John Sakala noted that all comments regarding the GO Centre will be taken to the Planning Department, for use in negotiating with GO Transit.

It was requested that comments related directly to the GO Centre be forwarded immediately to GO Transit, for their use. Other comments, related more to City / Regional initiatives in the area surrounding the station, should be forwarded in an appropriate manner.

Action: Staff

Gil Simmons requested that the Advisory Committee meet again around the end of February, to discuss:

- the status of the proposed consultant study for the vicinity of the GO Centre; and,
- the noise study for the layover yard, and related aspects.

8. NEXT MEETING

The Committee will meet again in late February, at a date to be confirmed later.

The meeting was adjourned.

VG

GOTRANSI.3

JAN 11 1993

ARCHITECTURAL DIVISION

MEMORANDUM

TO: ✓ J. Sakala
Senior Landscape Architect
Planning & Development Department

YOUR FILE: *VM*
BS *MS*

FROM: H. Kayal, Chairman
Barrier Free Design Sub-Committee

OUR FILE: _____
PHONE: 546-4606

SUBJECT: Go Station 25% Completion
Working Drawings

DATE: 1993 January 13

Further to our memo of December 24, 1992 and the subsequent meeting on January 6, 1993 of the Advisory Committee on the Hamilton Go Transit Centre.

We would like to add the following comments:

1. CCL advised that an extra bus drop bay may be added for Barrier Free buses. These spaces should be located closer to the entrance.
2. Adequate signage should be provided to indicate the Barrier Free paths of travel, parking, washrooms etc., careful consideration should be given to location, size and colour of signs.
3. A roofed over pedestrian bridge should be installed from Hughson St. S. to the terminal as opposed to the situation shown on the drawing where the public would be required to cross an area where the buses travel.
4. Lighting levels should be carefully studied in all Barrier Free paths of travel to ensure adequate visibility.

HK/jn

c.c. Alderman G. Copps, Alderman, Ward 4
D. Clark, Building Department
Members, Barrier Free Design Sub-Committee

9A92-36 JUN 1993

ARCHITECTURAL DIVISION

MEMORANDUM

TO: J. Sakala
Senior Landscape Architect
Planning & Development Department

BJ. PM
VPM: JPS
YOUR FILE:

FROM: H. Kayal
Project Manager
Architectural Division

OUR FILE:
PHONE:-

SUBJECT: Go Station 25% Completion Working Dwgs. DATE: 1992 December 24

Thank you for your letter and the drawings received on December 18, 1992. Unfortunately due to Christmas Holidays, most members of the Sub-Committee are away on Holidays, and also due to the deadline of December 31, it is difficult to send the drawings to the Citizen Members for their review. However, Wing Lee, from the Building Department and myself reviewed the drawings and the following are our comments. Please consider them as guidelines and as the Drawings become more detailed most of our concerns will be more specific:

1. General: more details and dimensions are required.
2. Site Plan:
 - a. curbcuts or depressed sidewalks are required at the drop off area for Darts and at all Disabled parking spots.
 - b. All change in levels must be accomplished by ramps or elevating devices in addition to stairs.
 - c. The use of contrasting colours and different textures are to facilitate movement of persons with visual impairments.
 - c. C.C.L. buses drop bay, is it a specific bay or C.C.L. Bus can drop off people closer to entrances?
3. Main Level Floor Plan:
 - a. All facilities should be accessible for both users and employees. All hardware, dispensers and accessories should comply with Barrier Free Standards.

4. North Pedestrian Canopy:

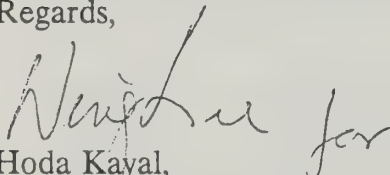
- a. Stair down to street should be accompanied by an elevating devise or a ramp.
- b. All entrance doors should have at least one double set of automated doors.
- c. Ramps are recommended to exceed the 1:12 ratio. Please indicate gradient elevations and percentage of slope.
- d. Ramps which exceed 30' long require are intermittent landing at least 5'-0" X 5'-0".
- e. There should be at least 2'-0" of clear space at the latch side of the door.

The above is based on the information provided in the drawings. We should be better able to critique the drawings at the 50% completion.

We are requesting 3 sets of drawings to be able to complete the review within the specified time frame.

Please call me if you have any questions.

Regards,


Hoda Kayal,
546-4606
Project Manager

HK/jn

c.c. Alderman G. Copps, Alderman, Ward 4
Wing Lee, Building Engineer, Building Department
All Members Barrier Free Design Sub-Committee

January 5, 1993

Gil Simmons
Chairperson
Advisory Committee on Go Transit
City Hall
Hamilton, Ontario

Dear Gil:

I have been asked by the Chairman of the Urban Design Committee to present the following comments on behalf of the Committee. These comments are with respect to the 25% completion drawings of the Hamilton Go Center site, and deal with the pedestrian connection to the neighbourhoods south of the station, as well as the site area north of it.

1) a) Haymarket Street Connection

The addition of the pedestrian ramp at Haymarket Street is a very positive change in the development of this site, insuring full pedestrian accessibility from the neighbourhoods south of the station.

We should, however, look beyond the functional aspects of this ramp and stairway in understanding that it functions also as the "gateway" from the station to its southerly neighbourhoods and commercial areas.

Since it will be located on City property, a tremendous opportunity exists to provide a gateway which also enhances and contributes to the urban quality of its surrounding neighbourhood.

As outlined in our City's newly approved Art in Public Places policy, this could be accomplished through a collaborative effort which includes artists as part of the design team.

b) Pedestrian Walkway

Pedestrian areas through the bus platforms and driveways have been differentiated through a change in pavement materials. This could be strengthened by raising the walkway slightly, as long as bus movement would not be affected. Pedestrians would thus move along the highest (and most dry) section of the bus area.

2) a) Area North of the Station

It is disappointing to note that the site area north of the

station building appears to have been virtually unchanged from the Preliminary Design stage to final design.

Public participation efforts during the fall of 1992 identified various issues with respect to this area, the most notable being the necessity of integrating pedestrian circulation with vehicular movement and landscape design.

Great dissatisfaction was expressed with regard to the conceptual site design to the north of the station. This concern has still not been addressed.

Many other concerns have been identified with respect to the GO Center, such as the visual impact and lack of passenger comfort afforded by an uncovered bus station. Streetscape improvements which not only provide opportunities for tree planting, but ensure safe, comfortable pedestrian circulation and improve the surrounding neighbourhood, were other important concerns which were reported.

These issues are examples of community concerns which were identified, and felt to be generally representative of a wide spectrum of community participants. They are also concerns which extend beyond the boundaries of the station site, and focus on the relationship between the station and our urban core.

The Urban Design Committee wishes to stress that it is essential that Regional and City representatives ensure coordination in the planning process, and a successful interface between the GO Center and the community it will serve.

Yours sincerely,

Marianne Mokrycke, O.A.L.A.
Member,
Urban Design Committee

c.c. Peter Hill,
Chairman, Urban Design Committee

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1993 February 25
4498

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

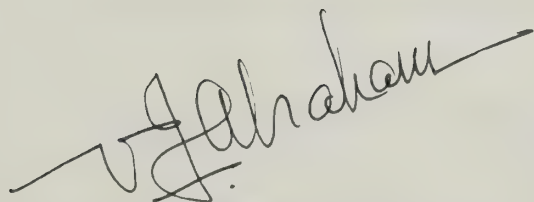
FROM: Mr. V. J. Abraham
Director of Local Planning

SUBJECT: The Commission on Planning and Development in Ontario
(Sewell Commission) - Draft Report

RECOMMENDATION:

That the Planning and Development Committee recommend to Council:

1. That the Commission on Planning and Development Reform be requested to clarify and resolve their proposals for reform of the planning system as outlined in Appendix "A" (on the following pages); and,
2. The City Clerk be requested to forward this report to the Sewell Commission and Hamilton-Wentworth Region.



V. J. Abraham, M.C.I.P.
Director of Local Planning

APPENDIX "A"

Summary of Recommendations to the Sewell Commission

The following is a list of recommendations to the Sewell Commission in response to proposals in the December, 1992, Draft Report:

1. *To add a new purpose in the Planning Act: to create a built environment that is a good place to live.*
2. *Subject the proposed Policy Statements to a more formalized Provincial/Municipal consultation.*
3. *Identify ways in which financial and representational links between municipalities and conservation authorities would have to be improved in order for watershed studies to be more effectively integrated into the municipal plan development process.*
4. *Reassess the need to amend the Planning Act to require detailed studies for all official plan amendments, the criteria for which amendment should be limited to, and, allowing municipalities to identify time periods during the year in which plan amendments will be received.*
5. *Define a process which would enable local municipalities to play a mediation role between the proponent and the community with respect to site specific official plan amendments by requiring the proponent to: provide information on how the project fits with municipal plans; and, consult with the community, prior to submitting a proposal for a plan amendment.*
6. *The City of Hamilton supports the Commission's recommendation that, once a lower-tier plan conforming to an approved upper-tier plan has been approved by the upper-tier, authority to approve plans or plan amendments be transferred to the lower-tier.*
7. *A public participation process for site plan control applications is redundant, especially where design guidelines have been approved.*
8. *Where staff is delegated the authority to approve minor variances for up to 10% from the controls, it be planning staff delegated such authority.*
9. *The need for two public meetings for plans, plan amendments and comprehensive zoning by-laws cannot be supported.*
10. *Ensure that the prehearing to discuss an appeal to the Ontario Municipal Board also include identification of the issues to be addressed at the full hearing.*

11. *Define criteria for judicial review of planning decision in the Planning Act.*
12. *Establish terms of reference for a study to explore the aspects of the relationship between private and public interests in the planning system which have not been fully documented in the Draft Report.*
13. *Amend the Stage 1 of the Transitional Matters to exclude all applications (ie. Official Plans and amendments, zoning by-law amendments, site plan control, plans of subdivision, and severances) that have been approved by Council.*

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The Commission on Planning and Development in Ontario (Sewell Commission) was established in June, 1991, under the Public Inquiries Act. Summarized, the terms of reference of the Commission are:

1. to examine the relationship between the public and private interests in land use and development;
2. to inquire into, report upon and make recommendations on legislative change and other actions needed to restore confidence in the integrity of land use planning system; and,
3. to consult widely, undertake research, foster dialogue and make recommendations on amendments to the Planning Act, 1983 and other relevant legislation and to undertake other actions needed to achieve its mandate.

In 1992, City Council responded to two previous publications of the Commission (Council Resolutions of February 25, and November 10, 1992). Previous discussion papers addressed planning goals, reform of the planning process, provincial and municipal roles, and protection of the environment.

In December, 1992, the Commission circulated a draft report, which proposes a new framework within which planning and development in Ontario would occur. Within this framework, there is an emphasis on policy planning at the Provincial and upper tier (Regional) level. Lower tiers (Area Municipalities) would be more concerned with issues of a more local nature, such as detailed pattern of land use density and mix of uses.

PROVINCIAL ROLES

In Council's February, 1992, response to the Sewell Commission planning goals exercise, it was suggested that the Commission recommend a statement of purpose for the Planning Act. The Commission is now recommending that the Planning Act, identify the following purposes of planning:

- to protect and conserve the natural environment and foster the well-being of ecosystems;
- to foster economic, cultural, physical and social well-being;

- to provide for fair, open, accessible, accountable and efficient planning processes; and,
- to encourage cooperation and coordination among differing interests.

The Commission should consider the following as an additional purpose:

To create a built environment that is a good place to live.

In February, 1992, City Council requested that the Commission:

Review the role of provincial policy statements in the planning process, including way in which municipalities, the public and other interested parties are, or should be involved in the formulation of policies expressing a Provincial interest."

The Commission's Draft Report is recommending an improved policy-making framework and a set of Provincial Policy Statements.

The Draft Report recommends that the Provincial policy making system be enhanced by the establishment of a Provincial Planning Advisory Committee (PPAC) and an Interministerial Planning Committee (IPC). PPAC would consist of 15 to 20 members representing the diverse interests in the planning system, including the development industry, environmental groups, municipalities, and planners. IPC would consist of deputy ministers from ministries with an interest in planning issues. The committees would organize public consultation, provide advice on policy development, and improve consultation and communication between ministries. The role of the Province in policy making as proposed by the Sewell Commission can be supported.

The Draft Report also proposes a set of Provincial Policy Statements on:

- Natural Heritage and Ecosystem Protection and Restoration Policies;
- Community Development and Infrastructure Policies;
- Housing Policies;
- Agricultural Land Policies;
- Conservation Policies; and,
- Non-renewable Resources Policies.

The Commission asked the Minister of Municipal Affairs to consider the consultation that the Commission carried out on the proposed policy statements in this draft Report to be the consultation required under Section 3 of the Planning Act. The Minister responded positively to this request, allowing the government, if it so chooses, to consider adopting policy under the existing legislation after the Commission's Final Report is submitted in the Spring of 1993.

Some of the issues raised in the proposed policy statements may be critical to planning in Hamilton. Given the range of issues addressed, it is difficult to deal with the details of all of the policy statements in a single response to the Draft Report. Because the policy statements deal with such critical, and sometimes controversial issues, the Commission should be requested to:

Subject the proposed Policy Statements to a more formalized Provincial/Municipal consultation.

MUNICIPAL ROLES

This Draft Report provides guidelines on the scope and nature of municipal plans. Upper tier municipalities would be required to prepare and adopt plans which interpret provincial goals and policies in a regional context and address broad policy issues such as: protection of the natural environment and agricultural resources; establishment of settlement patterns, urban and rural boundaries, and population and employment distribution; and, provision of infrastructure such as water and sewage. Lower-tier municipal plans would be prepared at the discretion of the local municipality, and would address issues of a more local nature, such as the detailed pattern of land use, density and mix of uses; or, zoning, site plans and other tools to regulate development.

The concept of broad policy planning at the upper-tier level is supportable, because it permits a comprehensive approach to: environmental issues; transportation and infrastructure planning; and general questions of economic and social change.

The Commission recommends that upper tier policies should be developed based on studies done on a watershed basis. Watershed studies should be prepared by Conservation Authorities, and should address matters such as the quality and quantity of surface water and ground water; wetlands, recharge areas and natural features; drainage plans and storm water; erosion; tree cover; and, aquatic resources, including fisheries. Experience in other municipalities has shown that such studies can identify environmental constraints at the outset of the planning process, thereby avoiding problems and speeding up approvals as development proceeds. Experience has also shown that these studies can be expensive, and the Conservation Authority interest in pushing studies varies from watershed to watershed. Recognizing these concerns, the Sewell Commission should:

Identify ways in which financial and representational links between municipalities and conservation authorities would have to be improved in order for watershed studies to be more effectively integrated into the municipal plan development process.

The Commission makes three recommendations with respect to official plans and amendments:

- amend the Planning Act to require official plans and plan amendments include detailed studies such as: identification of problems; developing and analyzing alternatives; and, establishing a monitoring system. While this may be appropriate for a new Official Plan and possibly in the preparation of review of Neighbourhood Plans, it is considered overly burdensome and costly with the majority of amendments initiated in the City, particularly those that are the result of inquiry and public participation process through the zoning process;
- direction on when site specific amendments to an Official Plan would be permitted: to reflect the availability of new information; to reflect changes to provincial or upper-tier policies or plans; or, to recognize significant public benefits associated with a proposal. This is far too restrictive and does not recognize the dynamics of change; and,
- amend the Planning Act to allow municipalities to limit time during the year when applications for municipal plan amendment will be received. Such a time limit seems to have no basis and cannot be supported.

These recommendations are far too restrictive, have a tendency of prolonging the process, and are unresponsive to change, particularly at the local level. On this basis the Commission should:

Reassess the need for amendments to the Planning Act to require detailed studies for all official plan amendments, the criteria for which amendment should be limited to, and, allowing municipalities to identify time periods during the year in which plan amendments will be received.

The Commission recommends the following process for plan creation and amendments: publication of intent to consider policy change; opportunity for public response, including at least one public meeting; to establish the need for the plan or plan amendment; preparation and circulation of the draft proposal (including alternatives); opportunity for response, including at least one public meeting; final decision-making; and, notification of decision. Although this process may be appropriate, and justifiable for a policy document prepared by the upper tier, it could prove cumbersome for changes to a local plan which has more localized issues. The Commission should:

Define a process which would enable local municipalities to play a mediation role between the proponent and the community with respect to site specific official plan amendments by requiring the proponent to: provide information on how the project fits with municipal plans; and, consult with the community, prior to submitting a proposal for a plan amendment.

The Commission recommends that once lower tier plan conforming to an approved upper-tier plan has been approved by the upper-tier, authority to approve plans or plan amendments will be transferred to the lower-tier. This can be supported as it will greatly speed up the approval process and remove the duplication which now exists, particularly with respect to circulation. The Commission should be advised:

The City of Hamilton supports the Commission's recommendation that, once a lower-tier plan conforming to an approved upper-tier plan has been approved by the upper-tier, authority to approve plans or plan amendments be transferred to the lower-tier.

DEVELOPMENT CONTROL

The Commission recommends a number of changes to the development control process which are of note:

- Design Guidelines be recognized in the Planning Act, to enable municipalities to develop, with full public input, design guidelines for appropriate parts of the municipality and that such guidelines be incorporated into the official plans. This recommendation can be supported;
- municipalities should be permitted to develop a public participation process for the site plan control process. This is redundant if there are design guidelines already in place and will result in further delays in the process;
- allowing a municipality to adopt a **development permit process** for any part of the municipality and delegate permit approvals to staff under certain conditions including public debate on standards, uses and design guidelines; notification procedures; and, appointment of an advisory committee to advise staff. This system could provide much more flexibility and recognize unique circumstances in specific areas of the City such as the downtown core;
- there should be one system of lot creation: plan of subdivision. Further the Commission recommends that responsibility for lot creation be delegated to the lower-tier municipality under certain circumstances. Decisions could be made by council, committee or delegated to staff. These recommendations can all be supported;

- municipalities may delegate to staff the authority to approve variances up to 10% from the controls (eg. setbacks, height, density, etc.) with no public notice. Where there is a denial, the decision can be appealed to the Committee of Adjustment. This can be supported as it would reduce the number of applications to the Committee significantly. It should be clear however, that the staff delegated this authority be **planning staff** to ensure that planning merits are properly considered; and,
- the Planning Act be amended to require **two** public meetings for consideration of official plans, plan amendments and comprehensive zoning amendments. The need for the first meeting is questionable especially if there is preconsultation initially.

For the most part, the changes proposed to the development control process can be supported. However, there are some concerns that still should be addressed by the Commission, as follows:

A public participation process for site plan control applications is redundant, especially where design guidelines have been approved.

Where staff is delegated the authority to approve for variances up to 10% from the controls, it should planning staff delegated such authority.

The need for two public meetings for plans, plan amendments and comprehensive zoning by-laws cannot be supported.

CONFLICT RESOLUTION

The Commission does not recommend that grounds for appeal of an application to the Ontario Municipal Board be limited, or that the recommended prehearing specifically establish the issues to be addressed in the full hearing. The prehearing is suggested only to determine how to best process the dispute, including whether or not the objection merits a full hearing. On this basis, the Commission should:

Ensure that the prehearing to discuss an appeal to the Ontario Municipal Board also identifies the issues to be addressed at the full hearing.

Conflicts and disputes are sometimes taken to judicial review. However, the grounds for judicial review are not clearly established in the Planning Act. This can result in unnecessary litigation and increased uncertainty regarding the outcomes of the judicial process. The Commission should therefore:

Define criteria for judicial review of planning decision in the Planning Act.

PUBLIC AND PRIVATE INTERESTS

The Commission was to investigate the relationship between public and private interests in land use and development, and make recommendations on change needed to restore confidence in the integrity of land use planning system. However, the Commission has not yet addressed all of the aspects of the relationship between public and private interests in the planning system which were identified in their terms of reference. For example, the Commission has not fully addressed: the roles and relationships of elected officials, administrators, and interest and lobby groups in the system; the effect of the development industry's concentration and structure on the ability of provincial and local governments to protect the public interest; or, the impact of the municipal financing system and large scale infrastructure projects on local planning and development decisions. Therefore the Commission should:

Establish terms of reference for a study to explore the aspects of the relationship between private and public interests in the planning system which have not been fully documented in the Draft Report.

TRANSITIONAL MATTERS

The Commission proposes a number means of ensuring the transition from the existing planning system to the one they are proposing do not leave any gaps. As a first step the Commission proposes that the Province adopt a comprehensive set of provincial planning policies under Section 3 of the Planning Act (Policy Statements). This will put the new policies in place to provide a context for planning throughout the Province. Such policies would become effective on adoption under Section 3 and would apply to any plan or development proposal not fully approved at that time. The policies would apply to any decision approved by the municipality, but still awaiting approval at the Provincial level. Such a proposal would make all applications made under the present system subject to the rules of the new system. This is considered somewhat like changing the rules in the middle of the game and unfair to those applications made in good faith under the old system. Accordingly, the Commission should:

Amend the Stage 1 of the Transitional Matters to exclude all applications (ie. Official Plans and amendments, zoning by-law amendments, site plan control, plans of subdivision, and severances) that have been approved by Council.

CONCLUSION

The Commission's Draft Report on Planning and Development reform in Ontario proposes significant changes to the planning and development system. For the most part, the proposed directions should provide the opportunity for: timely decisions; efficient use of limited planning resources; clear, firm policy direction from the Province; local flexibility; clearly defined roles for upper and lower tier municipalities within the planning process; opportunities for public involvement; and, protection for the natural environment. However, important issues must be clarified and resolved if the desired changes are to transpire.

CF/

5

PLANNING AND DEVELOPMENT COMMITTEE

WEDNESDAY, 1993 MARCH 3

CONSENT AGENDA

A. ADOPTION OF THE MINUTES

Minutes of the Planning and Development Committee for its meeting held 1993 February 17

B. CITY SOLICITOR/BUILDING COMMISSIONER

Authorization for Special Legislation to Authorize a Penalty Section for the Zoning By-law No. 6593 and the Property Standards By-law No. 74-74

C. COMMISSIONER OF PLANNING AND DEVELOPMENT

Neighbourhood Plan Amendments - 1993 Housekeeping Review

D. DIRECTOR OF PUBLIC WORKS

- (a) Westdale Village Business Improvement Area (B.I.A.) Proposed Budget and Schedule of Payments for 1993
- (b) Westdale Village Business Improvement Area (B.I.A.) - Revised Board of Management
- (c) International Village Business Improvement Area; Expansion of Boundaries
- (d) Downtown Hamilton Business Improvement Area (B.I.A.) - Revised Board of Management

E. **BUILDING COMMISSIONER**

Demolitions:

- (a) 1110 Upper James Street
- (b) 19 Limeridge Road East
- (c) 62 Limeridge Road East
- (d) 266 Limeridge Road East

F. **SECRETARY, PLANNING AND DEVELOPMENT**

Information Items

Wednesday, 1993 February 17
9:30 o'clock a.m.
Room 233, City Hall

A.

The Planning and Development Committee met.

There were present: Alderman D. Drury, Chairperson
Alderman F. Eisenberger, Vice-Chairperson
Mayor Robert M. Morrow
Alderman M. Kiss
Alderman D. Wilson
Alderman B. Charters
Alderman H. Merling
Alderman F. D'Amico

Also Present: Alderman T. Cooke
Alderman B. Morelli
Victor Abraham, Director of Local Planning
Paul Mallard, Planning Department
Joanne Hickey-Evans, Planning Department
Bill Janssen, Planning Department
Lou Lanza, Regional Planning Department
Eugene Chajka, Roads Department
Dave Powers, Law Department
Tina Agnello, Secretary

1. CONSENT AGENDA

A. COMMISSIONER OF PLANNING AND DEVELOPMENT

Application to remove Part-lot Control from Part of Plan 62M-657 and Part of Lot 3, Plan 1059 within the "Randall Estates - Phase 6 and Stone Church Survey" Subdivisions

Dave Powers was present to speak on this application and recommended to the Committee that for reasons of expediency there should be 2 by-laws passed; one being for part lot control and the other regarding the subdivision agreement.

The Committee approved the amended recommendation from the Law Department dated 1993 February 16, and recommended to Council as follows:

That the request of Robert Shelley Construction Limited, to remove part-lot control from Part of Plan 62M-657 and Part of Lot 3, Plan 1059 within the "Randall Estates - Phase 6 and Stone Church Survey" subdivisions, be approved subject to the following conditions;

- (a) That the appropriate by-law to remove part-lot control from portions of Lots 2, 3 and 5 and portions of Blocks 11 and 14, Plan 62M-657, be enacted by Council and forwarded to The Regional Municipality of Hamilton-Wentworth for approval;

- (b) That the appropriate by-law to remove part-lot control from part of Lot 3, Plan 1059 and portions of Blocks 15 and 16 on Plan 62M-657 be enacted by Council and not be forwarded to The Regional Municipality of Hamilton-Wentworth for approval until the developer has entered into and registered on title of Blocks 15 and 16 on Plan 62M-657 an Amending Agreement satisfactory to the Senior Director, Roads Department and to the City Solicitor to amend the Subdivision Agreement registered at 280470 to provide for and require maintenance easements for each portion of the two blocks to be developed as zero lot-line houses;
- (c) That The Regional Municipality of Hamilton-Wentworth (as delegate of the Minister of Municipal Affairs) be requested to set out its approval by endorsing same on each by-law;
- (d) That following completion of the conveyances being permitted by the said by-laws to remove part-lot control, by-laws be enacted to repeal the said by-laws.

B. ADOPTION OF THE MINUTES

The Minutes of the Planning and Development Committee meeting were approved as circulated.

C. SECRETARY, LACAC

(a) 1993-1994 Designated Property Grants - Resolution Passed by City of Woodstock Council

As recommended in a report dated 1993 February 3, the Committee recommended to Council as follows:

- (a) That the following resolution, passed by the Council of the City of Woodstock at the request of the Woodstock LACAC, be endorsed by Hamilton City Council:

That Council requests the Minister of Culture and Communications to continue the Designated Property Grants Program in 1993 as these grants encourage property owners to preserve heritage buildings by recognizing the increased cost of maintaining heritage buildings;

and further, that all Local Architectural Conservation Advisory Committees in Ontario and Community Heritage Ontario (provincial LACAC organization) be requested to endorse this resolution.

- (b) That the Minister of Culture and Communications, the local M.P.P.'s and the Woodstock Office of the City Clerk be advised of Council's endorsement of the above resolution.

(b) Designation - Stewart Municipal Church - 114 John Street North

As recommended in a report dated 1993 February 3, the Committee recommended to Council as follows:

- (a) That approval be given to the "Intent to Designate" Stewart Memorial Church at 114 John Street North as a property of historical and architectural value, pursuant to the provisions of the Ontario Heritage Act, 1983, as outlined in the Reasons for Designation attached herewith and marked as Appendix "A"; and,
- (b) That the City Solicitor be authorized as directed to take appropriate action to have this property designated pursuant to the provisions of the Ontario Heritage Act, 1983.

C. DIRECTOR OF PUBLIC WORKS**Main West Esplanade B.I.A. Proposed Budget and Schedule of Payments for 1993.**

As recommended in a report dated 1993 February 5, the Committee recommended to Council as follows:

- (a) That the 1993 operating budget of the Main West Esplanade B.I.A. be approved in the amount of four thousand dollars (\$4,000.); and
- (b) That the City Solicitor be hereby authorized and directed to prepare the requisite By-law pursuant to Section 220, the Municipal Act, R.S.O. 1990, to levy the 1993 budget as referenced in (a) above; and
- (c) That the following Schedule of Payments for 1993 be approved:

March 01 \$2,000.
August 01 \$2,000.

Note: 1992 Levy Arrears will be deducted from the two payments for 1993.

D. BUILDING COMMISSIONER**Demolition Permits**

As recommended in various reports the Committee recommended to Council as follows:

That the Building Commissioner be authorized to issue demolition permits for:

- (a) 450 Burlington Street East
- (b) 538 Wentworth Street North
- (c) 1118 Upper James Street
- (d) 643 Rymal Road West
- (e) 246 MacNab Street North

E. SECRETARY, PLANNING AND DEVELOPMENT

The Committee moved to receive the following Information Items previously forwarded to Committee Members under separate cover:

- (a) Secretary LACAC - LACAC Minutes 1992 December 16
- (b) Commissioner of Planning and Development - Approved Site Plan Control Applications
- (c) Director of Local Planning - ZA-91-43, 145 MacNab Street North Re: File Closure

2. COMMISSIONER OF PLANNING AND DEVELOPMENT

- (a) Site Plan Control Application DA-92-43, Hamilton-Wentworth Roman Catholic Separate School Board, owner, of land located at No. 45 Rifle Range Road; Ainslie Wood Neighbourhood

As recommended in a report dated 1993 February 8, the Committee approved the following:

That approval be given to Site Plan Control Application by Hamilton-Wentworth Roman Catholic Separate School Board, owner of the lands at 45 Rifle Range Road, for development of a secondary school subject to the following:

- (a) Modification to the plans related to dimensions, notes fencing and landscaping as marked in red on the plans;
- (b) Submission of a revised grading plan to the satisfaction of the Commissioner of Transportation and Environmental Services; and,
- (c) Provision of a note on the plan indicating that:

"The development of the property will proceed in two phases which will include the following:

- (i) Phase 1 - Construction of the school building and development of the lands designated as phase 1.

Occupancy of the school building will not occur until final release from the Ministry of the Environment.
- (ii) Phase 2 - Decommissioning and development of the lands designated as Phase 2."

- (b) Site Plan Control Application DA-92-35, by Sons of Italy, prospective owner of lands at 55 Towercrest Drive for development of an 83 unit townhouse development, subject to the following:

That approval be given to Site Plan Control Application DA-92-35 by Sons of Italy, prospective owner of lands at 55 Towercrest Drive for development of an 83 unit townhouse development, subject to the following:

- (a) modification to the plan related to details of development, dimensions, notes, fencing, and landscaping as marked in red on the plans;

- (b) submission of a revised grading plan satisfactory to the Director of Programming & Development, Roads Department, and the Special Projects Office;
- (c) provision of a note on the plan indicating the requirement of approval by the Committee of Adjustment for the variance to delete the designated loading spaces;
- (d) registration of the Plan of Subdivision;
- (e) establishment and construction of Towercrest Drive on Primecan Estates to the satisfaction of the Roads Department;
- (f) entering into the appropriate subdivision agreements with the Region/City for the proposed development;
- (g) submission of a Noise Attenuation Study; and,
- (h) removal of the holding symbol "H" as a suffix to the Zoning District for the subject lands.

The Committee recessed and reconvened at 10:30 o'clock a.m. to hear scheduled public meetings.

PUBLIC MEETINGS

3. **ZA-92-45, Hazell Ross-Iampietro (Clar Del Retirement Home), owner, for a modification to the established "C" District regulations, for property located at No. 185 Delaware Avenue; St. Clair Neighbourhood**

Submissions were received from the following:

- (a) Charles H. Forsyth, 175 Delaware Avenue, Hamilton
- (b) John & Margaret Whyte, 177 Delaware Avenue, Hamilton

Paul Mallard advised that the application is a request to permit the expansion of an already legal nonconforming residential unit from 9 to 15 residents. There are 3 residential care facilities concentrated within a 180 metre radius. Social services do not support the application as presently there are 220 vacant beds in Hamilton. The Planning Department recommends denial.

Ms. Ross-Iampietro stated that the building was erected prior to the enactment of the by-laws and that she does not get subsidized by social services and should not be penalized if they have empty beds. She stated that other homes in the area violate the 180 radius by-law. She explained that the residents are like family and are well taken care of. She has worked with seniors for 15 years. Photos of the home were distributed to the Committee.

She continued by saying that she did not intentionally break the law since she was unaware she required permission to have additional people in the house.

Delores Sypes, a mother of one of the residents in the home, asked that the Committee allow the application.

David Beland of 182 St. Clair Boulevard, representing the St. Clair Avenue district, was present opposed to the application.

He cited two other requests for expansion of residential care facilities which were denied by Council and the decision upheld by the Ontario Municipal Board. In these cases the Ontario Municipal Board was concerned that the residence were changing from homes to institutions because of the increase in residents.

The Ontario Municipal Board was also concerned that once a residence is in existence the licence can be transferred to be used for any other type of residence such as halfway homes.

Mr. Beland requested that the residential character of the area be maintained and that the application be denied.

Alderman Morelli urged denial of the application. He said that this neighbourhood is at capacity with residential care facilities.

Alderman Wilson concurred.

In response to a question from Alderman McCulloch, Mr. Mallard advised that nothing can be done to prevent these residents from changing to custodial care from seniors' care. Legal advice has been given that occupancy cannot be restricted through zoning.

Alderman Eisenberger suggested that since there are 10 people presently in the residence that this be permitted until the residents are down to the allowable 9 residents. The Committee concurred.

As recommended by the Committee of Planning and Development in a report dated 1993 February 9 the Committee recommended to Council as follows:

That Zoning Application 92-45, Hazell Ross-Iampietro (Clar Del Retirement Home), owner, requesting a modification to the established "C" (Urban Protected Residential, etc.) District, to permit an increase in the capacity of an established legal non-conforming Residential Care Facility from nine (9) residents to a maximum of fifteen (15) residents, for property located at No. 185 Delaware Avenue, as shown on the attached map marked as Appendix "B", be denied for the following reasons:

- (a) It conflicts with one of the primary goals of the Residential Care Facilities By-law to provide the residents with an opportunity to live in an environment that closely approximates a family situation. This proposal represents a 66.6% increase in the number of residents currently permitted (9 to 15), and a 150% increase (6 to 15) in the number of residents permitted in a "C" (Urban Protected Residential, etc.) District which, given the number of existing facilities in the area, is considered a significant departure from this goal;
- (b) Approval of this application would encourage other similar applications which, if approved, would further contribute to the existing over-concentration of such facilities in the St. Clair Neighbourhood. In this regard, there are three other Residential Care Facilities within 180 metres; and
- (c) The Department of Social Services cannot support the additional retirement home beds noting that there were approximately 220 vacant beds in the system so no new beds are necessary.

* Alderman McCulloch opposed.

4. Zoning Application 92-19, Rolando P. Baldessarini, owner, for a change in zoning from "D" to "G-3" District, for property located at No. 412 Charlton Avenue West; Kirkendall North Neighbourhood
- 4.1 The Committee was in receipt of an action report from the Committee of Planning and Development dated 1993 February 9 and an Information Report from the
- 4.2 Director of Traffic Service dated 1993 February 11.

Submissions were received from the following:

- (a) Brian Sayer, 64 Chatham Street, Hamilton (dated 1993 Jan. 27)
- (b) Brian Sayer, 64 Chatham Street, Hamilton (dated 1993 Feb. 8)
- (c) Shirley Anne Deans, 2-409 Charlton Avenue West, Hamilton
- (d) Peter & Patricia Simmons, 382 Charlton Avenue West, Hamilton
- (e) Chuck Renaud, 56 Flatt Avenue, Hamilton
- (f) Peter Olyschlager, 88 Chatham Street, Hamilton

Paul Mallard advised that this request is for an Official Plan Amendment and Zoning to allow the extension of an adjoining parking lot to be used in conjunction with an existing liquor store. The application came before the Committee in 1992 September 23 and was tabled pending a traffic report. The Planning Department recommends approval, conditional on buffer strips adjacent to residential areas. The Traffic Department supports the recommendation.

Of 250 notifications mailed, 14 residents replied in favour and 16 were opposed.

Lawrence Brock of 135 James Street South was present on behalf of the applicant. He asked the Committee to review the application on Planning merits. He showed the Committee diagrams of the existing area and the proposed changes. He explained that the driveway will be widened to 9 metres to allow 2-way traffic for trucks. He reiterated that the application is an attempt to alleviate traffic and congestion problems.

Mr. Janssen of 405 Charlton Avenue West stated that a petition opposed to the application has been signed by 47 people in the neighbourhood. He does not want to look out of his home onto a parking lot and feels that the extension of the parking lot will not solve the traffic problems.

Peter Simmons of 382 Charlton Avenue West concurred that traffic problems will not be solved. In addition, the approval of this application will encourage expansion of the liquor facility and will dismantle the residential quality of the area. He stated that the liquor store services the entire City and as such there is always steady use.

Chuck Renaud of 56 Flatt Avenue was present opposed to the application. He advised that the closing of the liquor store in Westdale increased traffic to the Dundurn store.

Roy Harrison of 408 Charlton Avenue West and James Mann of 404 Charlton Avenue West do not want the parking lot adjacent to their home.

Susan Swanton of 406 Charlton West was concerned about safety in the alley and along fences.

Paul Mallard advised that the objective to mitigate visual effects on surrounding properties may not be consistent with safety objectives.

Mr. Brock stated that the Liquor Board is attempting to address traffic problems by providing additional parking space.

Alderman Kiss stated that the safety issue should be reviewed.

Alderman Cooke does not support the application. The traffic problems will not be alleviated especially during holidays when the store services the entire City. He believes the liquor and beer stores have outgrown the location and should relocate. Existence of the store does not justify further encroachment into a residential neighbourhood. He stated that several other locations exist and he is prepared to work with the Liquor Control Board to find an alternative location.

Alderman Wilson, Alderman Charters and Alderman D'Amico concurred.

Alderman Eisenberger suggested that the enlargement of the parking lot will alleviate traffic problems and that he does believe the Liquor store will relocate.

Contrary to the recommendation of the Committee of Planning and Development the Committee resolved to recommend to Council as follows:

That Zoning Application 92-19, Roland P. Baldessarini, owner, for a change in zoning from "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District to "G-3" (Public Parking Lots) District, to allow the use of the subject lands for parking in conjunction with the adjacent LCBO outlet at No. 233 Dundurn Street South, for the property located at 412 Charlton Avenue West, as shown on the attached map marked as Appendix "C", be denied on the following reason:

it represents an undesirable extension of a commercial use into an established residential area.

5. **OTHER BUSINESS**

Alderman Wilson requested that Zoning Application 92-08, 1907 King Street East (Faith Evangelical Lutheran Church) which is going before the Ontario Municipal Board, be brought before the Planning and Development Committee for consideration. The Committee concurred.

6. **ADJOURNMENT**

There being no further business the Committee Meeting adjourned.

RESPECTFULLY SUBMITTED,

ALDERMAN D. DRURY, CHAIRPERSON
PLANNING AND DEVELOPMENT COMMITTEE

Tina Agnello, Secretary
1993 February 17

REASONS FOR DESIGNATION

Stewart Memorial Church

114 John Street North

Historical Significance

A landmark for Hamilton's Black community, Stewart Memorial Church on John Street North has a distinguished history as the city's oldest surviving Black congregation. With the influx of fugitive slaves into Upper Canada from the 1820s onward, emerged distinctive Black communities. For these early settlers, the church became a central focus, fulfilling both religious and social needs. By the late 1830s, Hamilton's Black population was large enough to support the establishment of both a Baptist and a Methodist church (the only denominations to establish churches specifically for Blacks). The earliest is believed to be *St. Paul's African Methodist Episcopal (AME) Church*, founded in 1835 under the authority of the (American) African Methodist Episcopal Body and located in the north-east section of town, where the highest concentration of Blacks lived. Initially housed in a log structure on Cathcart Street, the congregation moved in 1856 to a frame building nearby on Rebecca Street. This location was, however, abandoned in 1878 when the structure was badly damaged by fire; and the present church building, formerly occupied by the Methodist Episcopal congregation, was acquired the following year.

Faced with financial difficulties during the Depression years, St. Paul's AME Church was saved from closure through the efforts of its congregation and Reverend J.C. Holland. The decision made in 1937 to sever ties with the Mother Body resulted in the formation of a non-denominational Black church named *Stewart Memorial Church* in honour of Reverend C.A. Stewart, whose death in 1936 ended many years of dedicated service to the congregation of St. Paul's. His successor Reverend Holland was voted Hamilton's "Citizen of the Year" in 1953, in recognition of his instrumental role in keeping the church open and long service to the church and community (1936-54).

Architectural Significance

The building now occupied by Stewart Memorial was erected in 1848 to serve as the Methodist Episcopal Church. Originally a simple frame structure with clapboard siding and a front-gabled roof, the building was substantially altered in the first decade of this century. According to available documentation, the original structure was reclad with brick masonry and the facade remodelled in the Gothic Revival style (circa 1905). Characteristic features include the pointed-arched window and door openings, the blind oculus in the gable front, and the flanking buttresses with tall pinnacles. Extensive interior renovations completed in 1908 included the installation of semi-circular pews, chandeliers (since removed) and an attractive, pressed-metal ceiling with Gothic-inspired, patterned tiles. Further renovations in the 1950s resulted in the removal of the original altar, certain elements of which have been preserved by the congregation.

Context

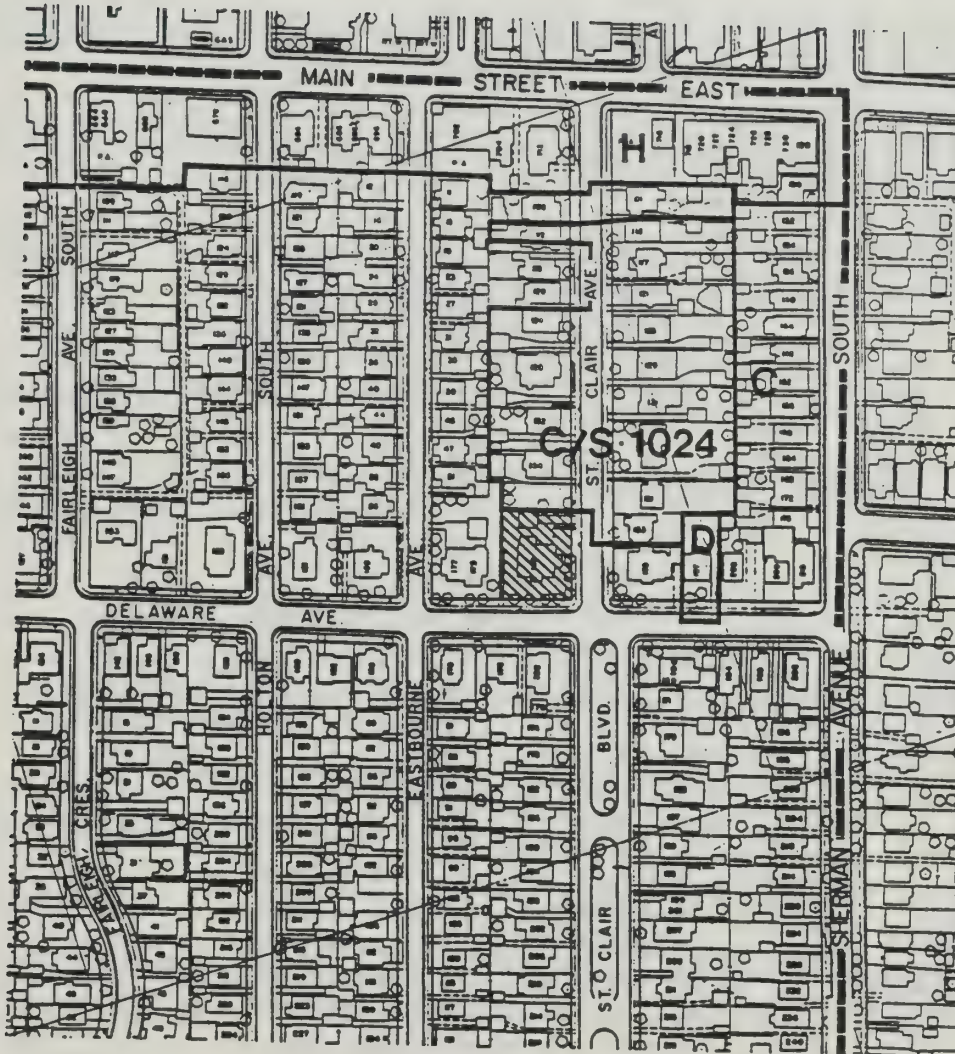
Situated on the east side of John Street North in the centre of the block between Wilson and Cannon, Stewart Memorial Church is located within a mixed commercial/ residential area, where buildings are now interspersed with expanses of vacant land. Standing opposite a large parking lot, the church today has a highly visible presence on the street.

In the early twentieth century, St. Paul's AME Church formed part of a continuous streetscape comprising a mix of houses, industrial buildings and churches (including the Methodist Episcopal Church built in 1878 at the south-west corner of John and Wilson).

Designated Features

Important to the preservation of Stewart Memorial Church are the original features of:

- the west (front), north and south facades, including the brick masonry with its decorative arches and detailing, the buttresses and pinnacles, and the door and window openings (excluding the modern doorway and windows).
- the sanctuary space, including the decorative pressed-metal ceiling and curved wood pews.

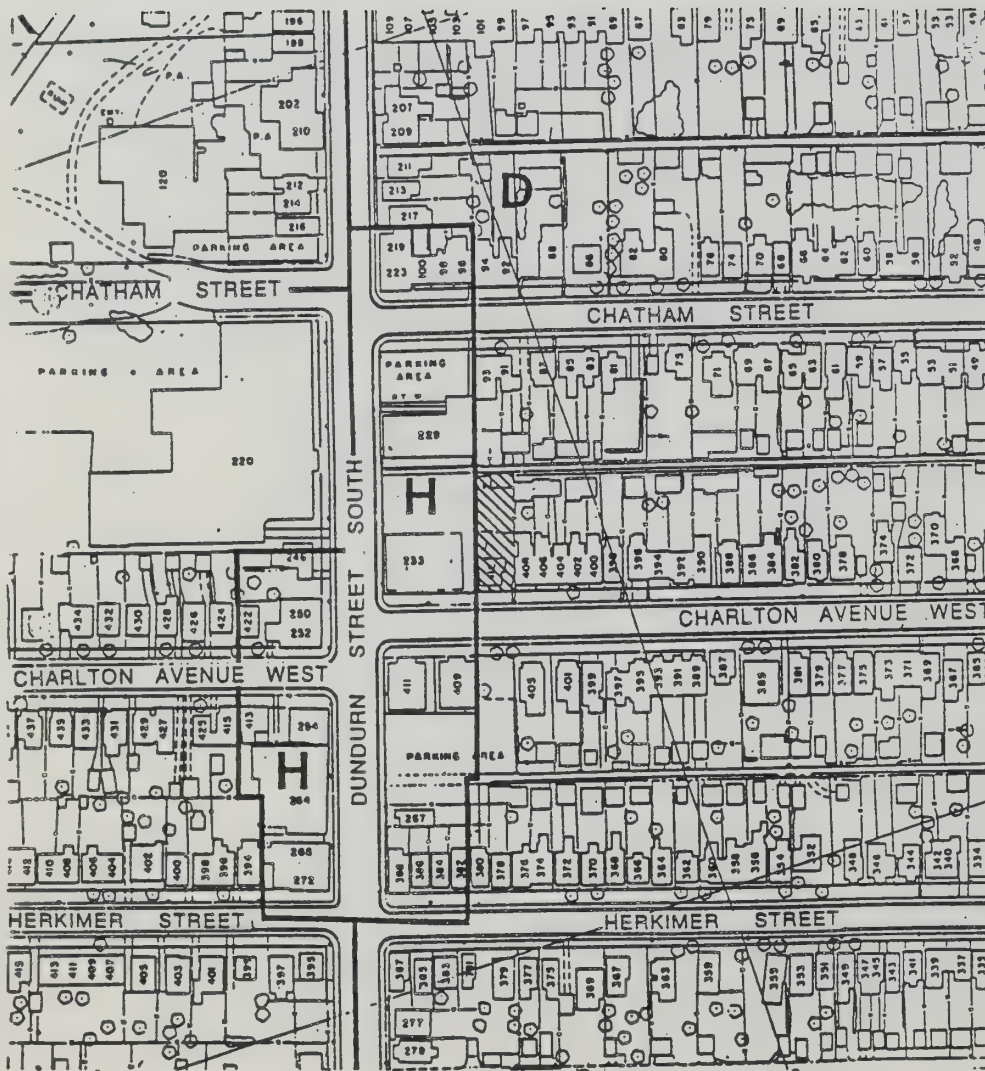


Legend



Site of the Application





Legend



Site of the Application



B.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1993 February 23

RECEIVED

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FEB 24 1993 AF

FROM: P. Noé Johnson
City Solicitor

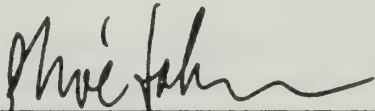
L. C. King, P. Eng.
Building Commissioner

CITY CLERKS

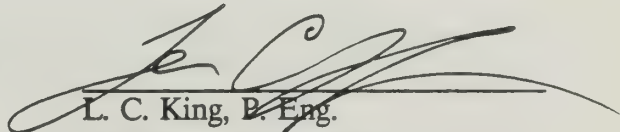
SUBJECT: Authorization for Special Legislation To Authorize a
Penalty Section for the Zoning By-law No. 6593 and the
Property Standards By-law No. 74-74

RECOMMENDATION:

That the City Solicitor be authorized to make an application for special legislation to authorize a penalty section for the Zoning By-law No. 6593 and the Property Standards By-law No. 74-74.



P. Noé Johnson
City Solicitor



L. C. King, P. Eng.
Building Commissioner

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

City Council, in June of 1991, petitioned the Province to amend the Fire Marshals Act and the Planning Act to allow the municipalities to retain the fees levied in a prosecution.

DISCUSSION:

The Planning Act, after 1983, has prohibited Zoning and Property Standards By-laws from creating an offence. The actual offence for breaching these By-laws is created by the Planning Act and the charge must be laid under the Planning Act. This means that although the City prosecutes an offence, the fines revert to the Province.

The City of London has received Royal Assent on its application for Special Legislation to authorize the insertion of a penalty clause in their Zoning By-law and Property Standards By-law.

The proposed Special Legislation states that the City of London may create an offence provision in the London Zoning By-law and Property Standards By-law.

C.

CITY OF HAMILTON
- RECOMMENDATION -

RECEIVED

DATE: 1993 February 23

FEB 24 1993

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

4:15 PM
CITY CLERKS

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: Neighbourhood Plan Amendments - 1993 Housekeeping Review

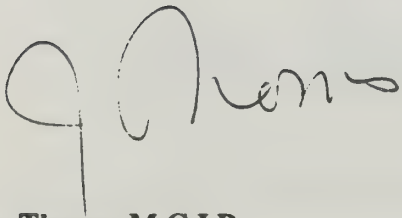
RECOMMENDATION:

That approval be given to the following Neighbourhood Plan amendments.

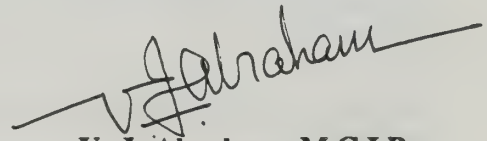
- a) That the approved Corktown Neighbourhood Plan be amended by designating a portion of the road allowance known as Beckley Street, as shown on Schedule "A" as Block "1", to "Commercial";
- b)
 - i) That the approved Sheldon/Mewburn (West) Neighbourhood Plan be amended by realigning the eastern boundary to the centre of West Fifth Street, as shown on Schedule "B";
 - ii) That the approved "Sheldon/Mewburn (West)" Neighbourhood Plan be renamed to "Sheldon";
 - iii) That the approved "Mewburn (East)" Neighbourhood Plan be renamed to "Mewburn";
- c) That the approved Kennedy West Neighbourhood Plan be amended by realigning the western boundary to the centre of Garth Street and its proposed extension, as shown on Schedule "C";
- d) That the approved Eleanor Neighbourhood Plan be amended by redesignating the lands as shown on Schedule "D" as Block "1", from "40' Sewer Easement & Walkway" to "Single & Double";

- e) That the approved Templemead Neighbourhood Plan be amended by redesignating the lands at 1526 Upper Ottawa Street, as shown on Schedule "E" as Block "1", from "Low Density Apartments" to "Attached Housing";
- f) That the approved Gibson Neighbourhood Plan be amended by redesignating that lands at 37 and 39 Aikman Avenue, as shown on Schedule "F" as Block "1", from "Commercial" to "Medium Density Apartments";
- g) That the approved Greenford Neighbourhood Plan be amended by redesignating the lands at 2825 King Street East, as shown on Schedule "G" as Block "1", from "Medium Density Apartments" to "Civic and Institutional".
- h) That the Crerar Neighbourhood Plan be amended by redesignated the lands at 291, 293, 295, 297 and 299 Crerar Drive as shown on Schedule "H" from "Commercial" to "Single and Double"; and,
- i) That the following Neighbourhood Plans, as shown on Schedules "I" to "Q", be amended by changing the "single & double & attached housing" designation to separate designations ie "single & double" and "attached housing":

- | | | |
|-------------|------------|--------------------|
| • Central | • Corktown | • Crown Point West |
| • Durand | • Gibson | • Keith |
| • St. Clair | • Stinson | • McAnulty |



J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department



V. J. Abraham, M.C.I.P.
Director of Local Planning

EXPLANATORY NOTE

The purpose for the amendments to the Neighbourhood plans is to recognize current land use which will remain for the indeterminate future and to redesignate properties which are no longer appropriate for the designated use.

These amendments have been identified through administration of Neighbourhood Plans, and are part of the housekeeping process.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Through the administration of Neighbourhood Plans, a number of designation inconsistencies have been identified. In most cases, the Neighbourhood Plan designation does not accurately reflect existing land use. For example, due to market conditions, a site may be developed for "Attached Housing" rather than "Low Density Apartments" as designated in the Neighbourhood Plan. These changes have occurred without requiring a zoning change, at which time Neighbourhood Plan redesignations normally occur.

In other cases, adjacent development has made a Neighbourhood Plan designation inappropriate. For example, a block of land designated for "Attached Housing" may be developed with a single family lot remaining. Since this lot can no longer be developed for row housing it should be redesignated for a more appropriate use (i.e. "Single and Double"). To leave the "Attached Housing " designation would be misleading.

COMMENTS

In order to avoid misconceptions and to accurately reflect preferred land uses, a number of Neighbourhood Plan amendments are proposed. All approved Neighbourhood Plans are on display in the foyer of the Planning Department and are extensively used by the public, staff and others. It is therefore important to keep them up to date and relevant. These amendments, and reasons for changes, are outlined in Table 1.

Based on the above, the proposed Neighbourhood Plan amendments should be supported.

JG/jg

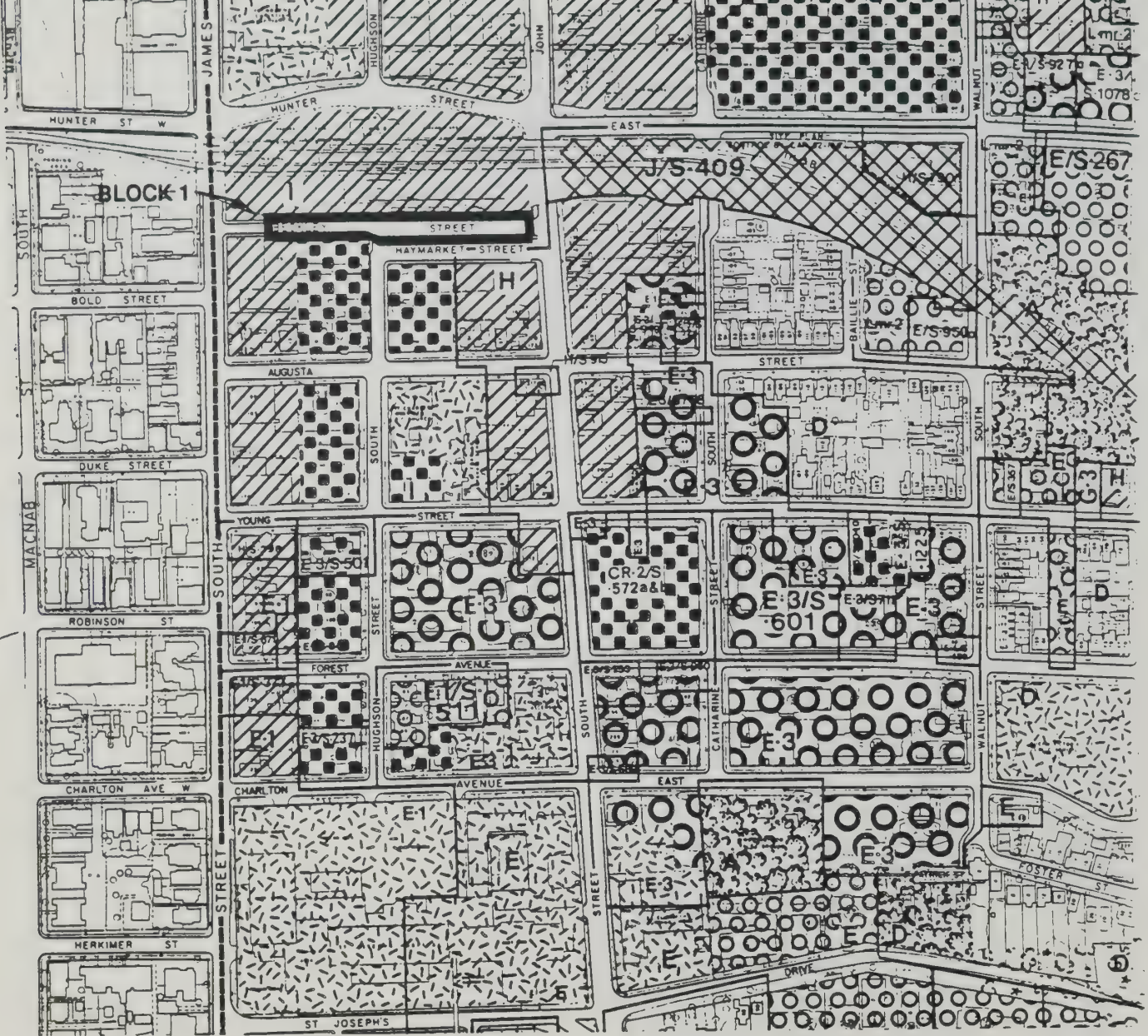
Table 1

Neighbourhood Plan Amendments - Housekeeping 1993

Neighbourhood	Location of Amendment	Existing Designation	Proposed Designation	Reason for Change
Corktown	Beckley Street road allowance from 30m east of James Street South to John Street South	Road Allowance	Commercial	to reflect the subject lands being developed as part of the Hamilton GO Terminal
Sheldon	The eastern boundary of the Neighbourhood	Previously proposed realignment of West Fifth Street	Realign the eastern boundary to West Fifth Street	to reflect the approved Sheldon / Mewburn (West) Neighbourhood
Sheldon	N/A	Sheldon/Mewburn (West)	Sheldon	to reflect the approved alignment of West Fifth Street and to simplify the Neighbourhood's name
Mewburn	N/A	Mewburn (East)	Mewburn	to reflect the approved Sheldon/Mewburn (West) Neighbourhood Plan and to simplify the Neighbourhood's name
Kennedy West	The western boundary of the Neighbourhood	N/A	Realign the western boundary to the centre of Garth Street and its proposed extension	to reflect the approved Kennedy East Neighbourhood Plan
Eleanor	1431 Upper Sherman Avenue	Proposed 40' Sewer Easement and Walkway	Single & Double	Proposed Sewer Easement and Walkway have been deleted by way of land severance
Templemead	1526 Upper Ottawa Street	Low Density Apartments	Attached Housing	to reflect the existing attached development on the site

Table 1 cont'd.

Neighbourhood	Location of Amendment	Existing Designation	Proposed Designation	Reason for Change
Gibson	37 and 39 Aikman	Commercial	Medium Density Apartments	adjacent development to the east and west has made the existing designation inappropriate
Greenford	2825 King Street East	Medium Density Apartments	Civic & Institutional	to reflect the existing East End Police Station developed on the site
Crerar	291, 293, 295, 297, 299 Crerar Drive	Commercial	Single and Double	to reflect the existing single family dwellings developed on the site
Central, Corktown, Crown Point West, Durand, Gibson, Kelth, St. Clair, Stinson, Mcanulty	Lands designated single & double & attached housing	Single & Double & Attached Housing	Single and Double	the Single and Double designation more appropriately reflects the intended land use - Attached Housing sites should be designated separately



LAND USE	
RESIDENTIAL	
	single & double
	attached housing
	low density apartments
	medium density apartments
	high density apartments
	commercial & apartments
	COMMERCIAL
	INDUSTRIAL
	CIVIC & INSTITUTIONAL
	PARK & RECREATIONAL
	OPEN SPACE
	UTILITIES

Schedule "A"

BLOCK 1

From "Road Allowance" to "Commercial"

Neighbourhood Boundary

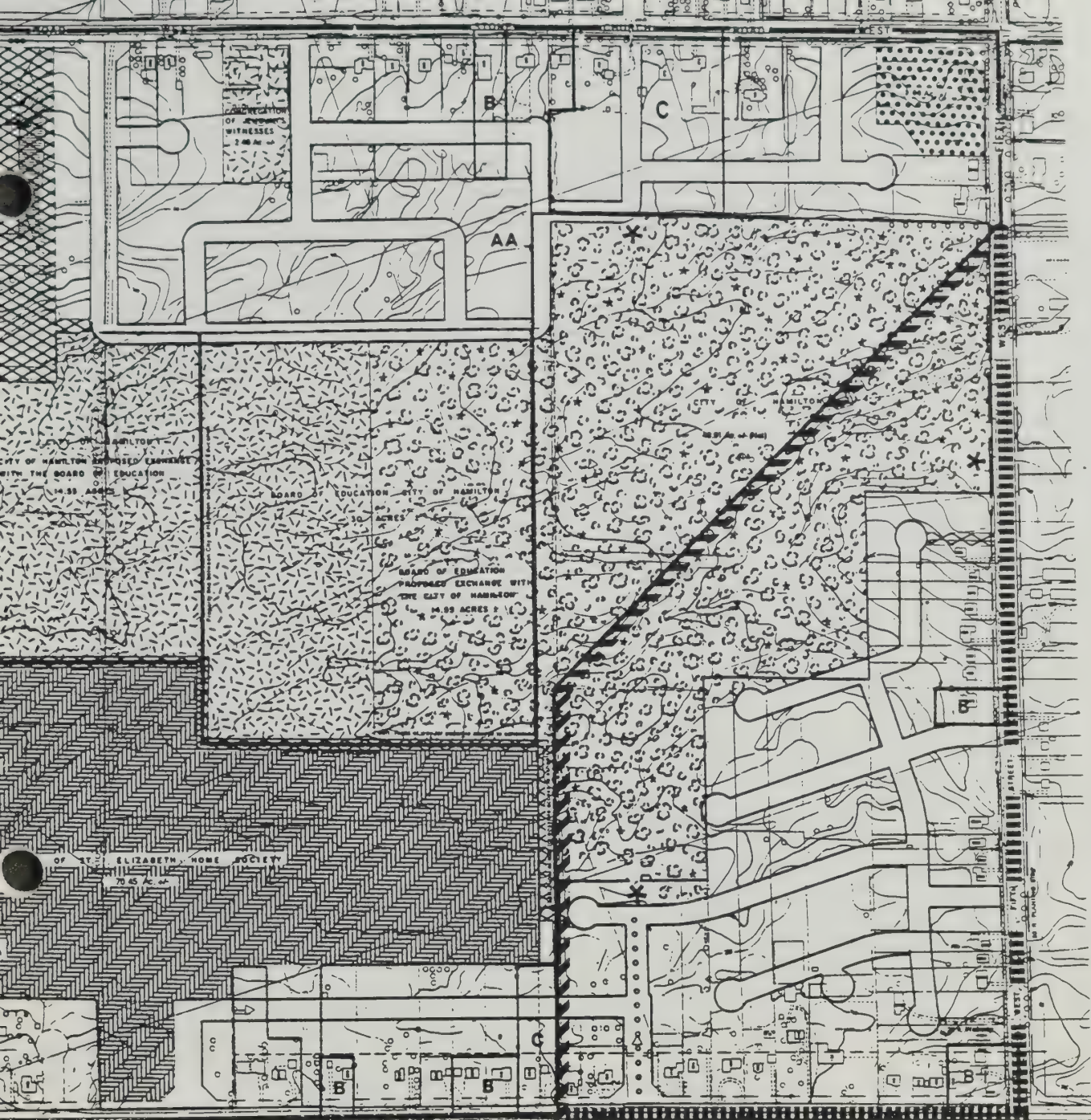
Zoning Boundary

Approved

Planning Committee JUNE 21, 1973 Council NOV. 22, 1973

CORKTOWN

Approved Plan



Land Use

- Single and Double
- Attached Housing
- Low Density Apartments
- Commercial
- Civic and Institutional
- Park and Recreational
- Open Space
- Utilities
- St. Elizabeth's Retirement Village

Schedule "B"

Existing Boundary

Proposed Boundary

Neighbourhood Boundary

Zoning Boundary

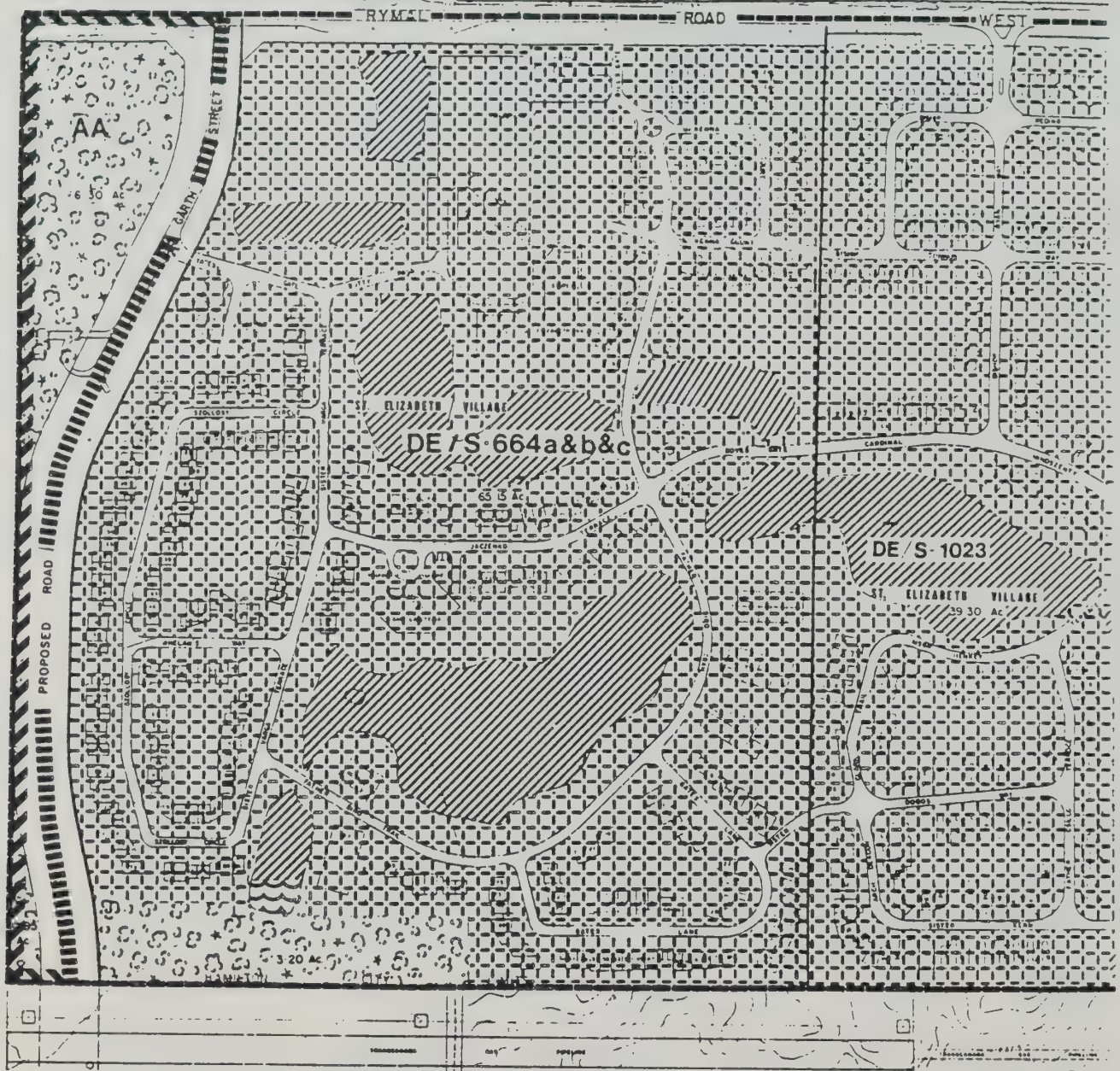
Approved

Planning Committee MAY 20, 1982 Council MAY 26, 1982

SHELDON/MEWBURN (WEST)

Approved Plan

RENAME: **SHELDON**
Approved Plan



LAND USE	
RESIDENTIAL	
	single & double
	attached housing
	low density apartments
	medium density apartments
	high density apartments
	commercial & apartments
	st. elizabeth retirement village
COMMERCIAL	
INDUSTRIAL	
CIVIC & INSTITUTIONAL	
PARK & RECREATIONAL	
OPEN SPACE	
UTILITIES	
FLOOD PRONE LANDS	

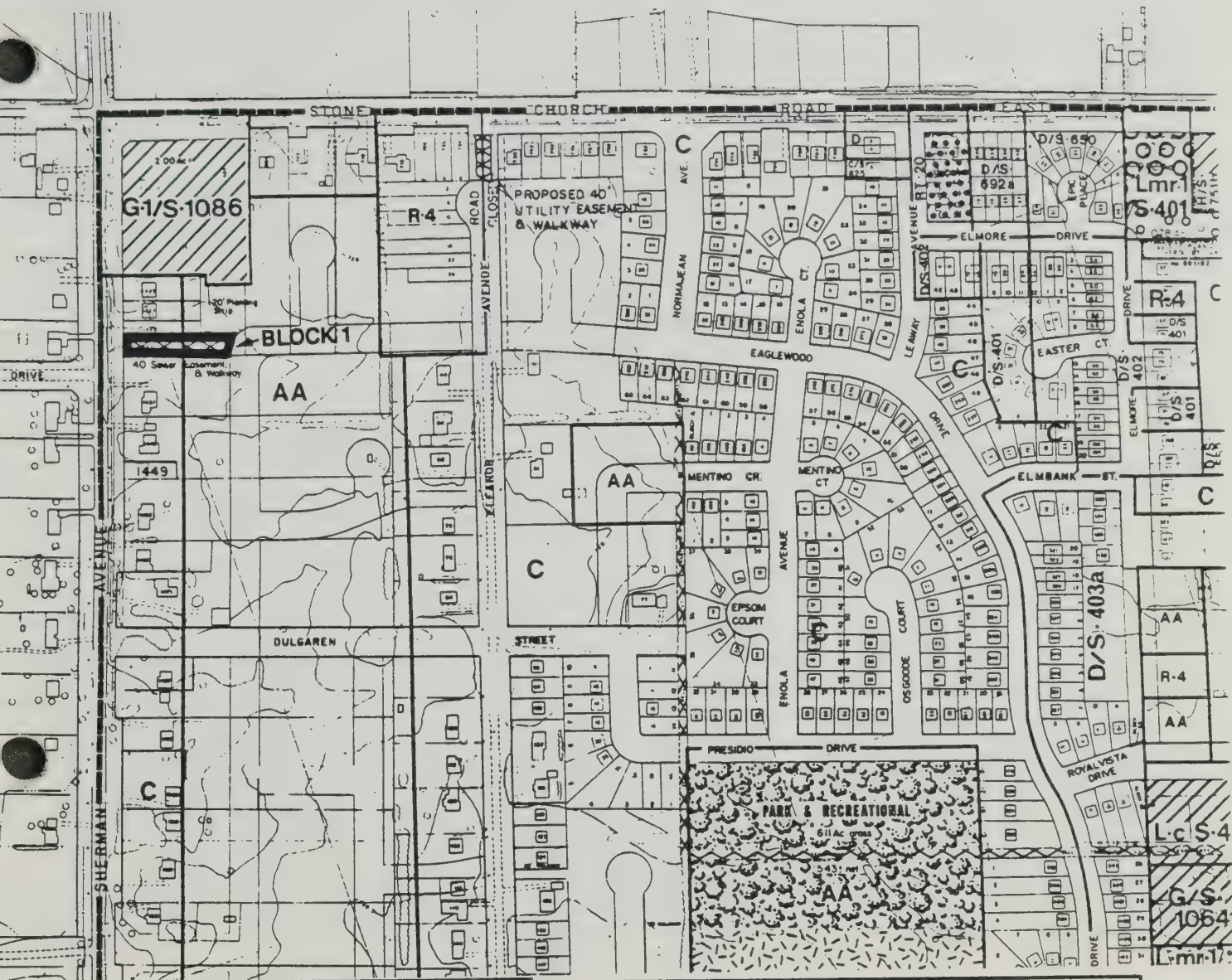
Schedule "C"

Existing Boundary
 Proposed Boundary

Neighbourhood Boundary
 Zoning Boundary

Approved
 Planning Committee OCT. 22, 1986 Council OCT. 28, 1986

KENNEDY WEST
 Approved Plan



LAND USE RESIDENTIAL

- single & double
- attached housing
- low density apartments
- medium density apartments
- high density apartments
- commercial & apartments

- COMMERCIAL
- INDUSTRIAL
- CIVIC & INSTITUTIONAL
- PARK & RECREATIONAL
- OPEN SPACE
- UTILITIES

Schedule "D"

BLOCK 1

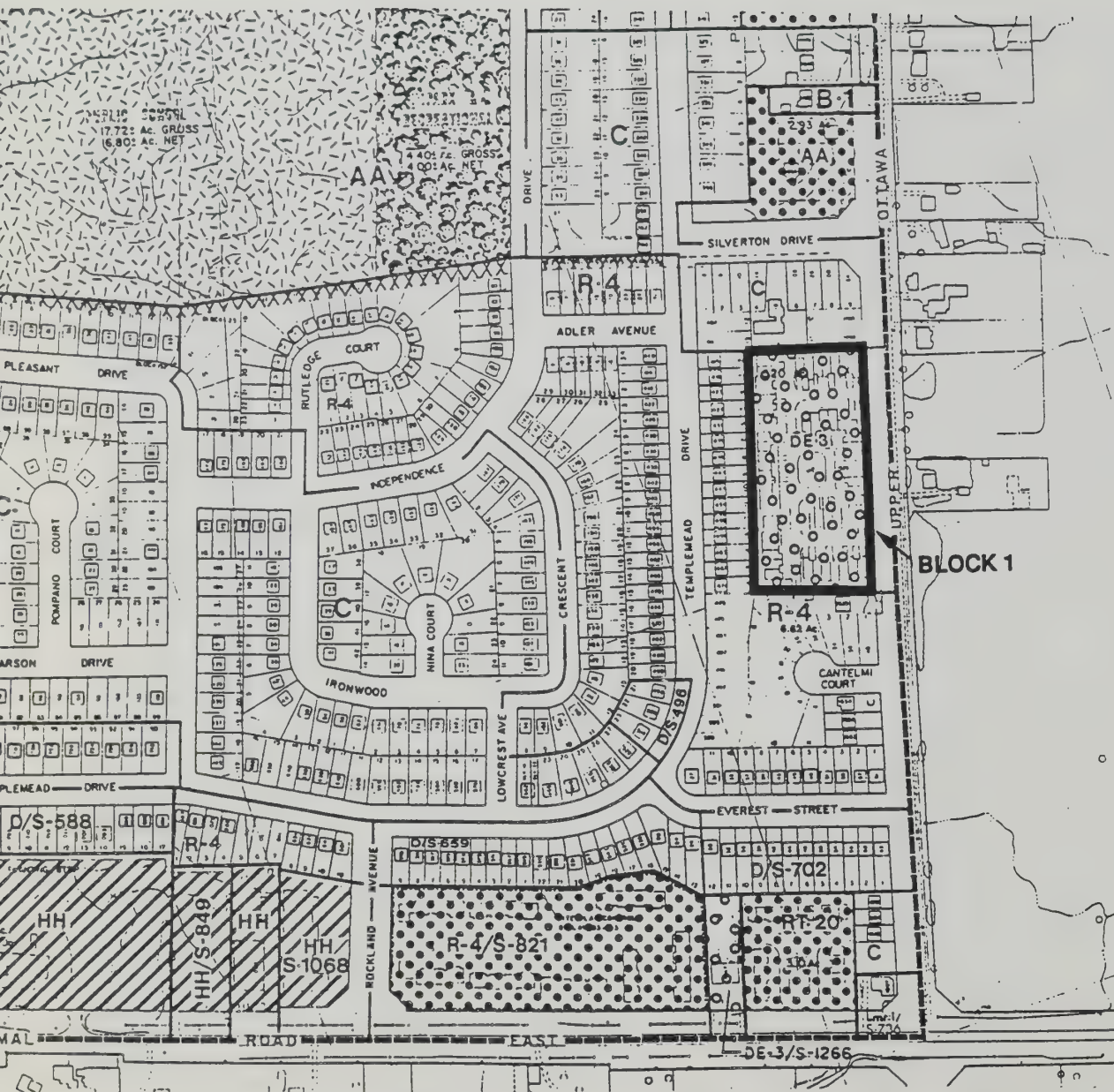
From "40' Sewer Easement & Walkway"
to "Single & Double"

- Neighborhood Boundary
- Zoning Boundary

Approvals

Planning Committee JULY 5, 1973 Council NOV. 27, 1973

ELEANOR
Approved Plan



LAND USE

RESIDENTIAL

- single & double
- attached housing
- low density apartments
- medium density apartments
- high density apartments
- commercial & apartments

- COMMERCIAL
- INDUSTRIAL
- CIVIC & INSTITUTIONAL
- PARK & RECREATIONAL
- OPEN SPACE
- UTILITIES

Schedule "E"

BLOCK 1

From "Low Density Apartments"
to "Attached Housing"

--- Neighbourhood Boundary

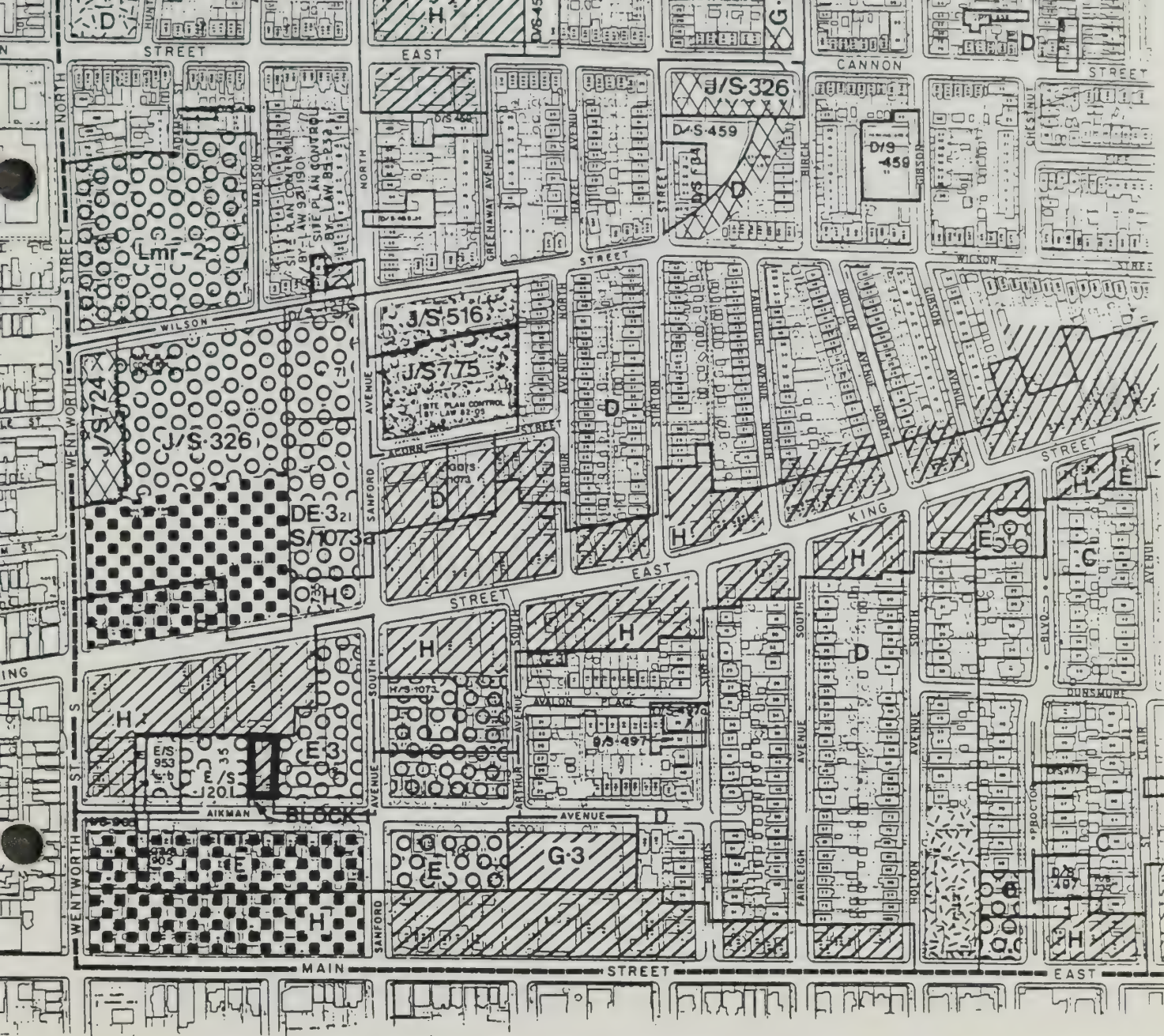
— Zoning Boundary

Approvals

Planning Committee JUNE 8, 1972 Council AUG. 29, 1972

TEMPLEMEAD

Approved Plan



LAND USE	
RESIDENTIAL	
	single & double
	attached housing
	low density apartments
	medium density apartments
	high density apartments
	commercial & apartments
COMMERCIAL	
	INDUSTRIAL
	CIVIC & INSTITUTIONAL
	PARK & RECREATIONAL
	OPEN SPACE
	UTILITIES

Schedule "F"

BLOCK 1

From "Commercial"
to "Medium Density Apartments"

--- Neighbourhood Boundary

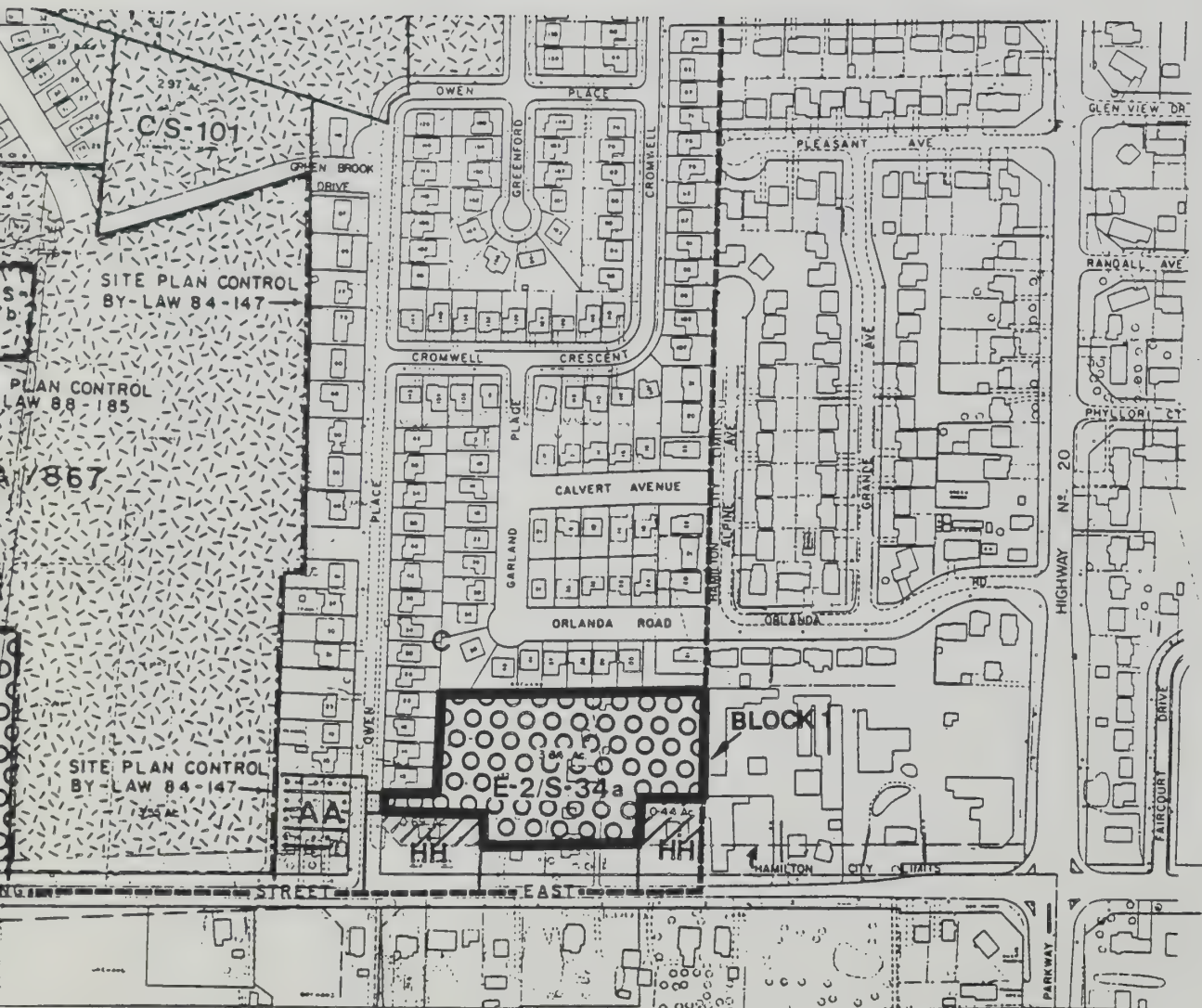
--- Zoning Boundary

Approvals

Planning Committee MAR. 1, 1973 Council MAY 8, 1973

GIBSON

Approved Plan



LAND USE	
RESIDENTIAL	
	single & double
	attached housing
	low density apartments
	medium density apartments
	high density apartments
	commercial & apartments
	COMMERCIAL
	INDUSTRIAL
	CIVIC & INSTITUTIONAL
	PARK & RECREATIONAL
	OPEN SPACE
	UTILITIES

Schedule "G"

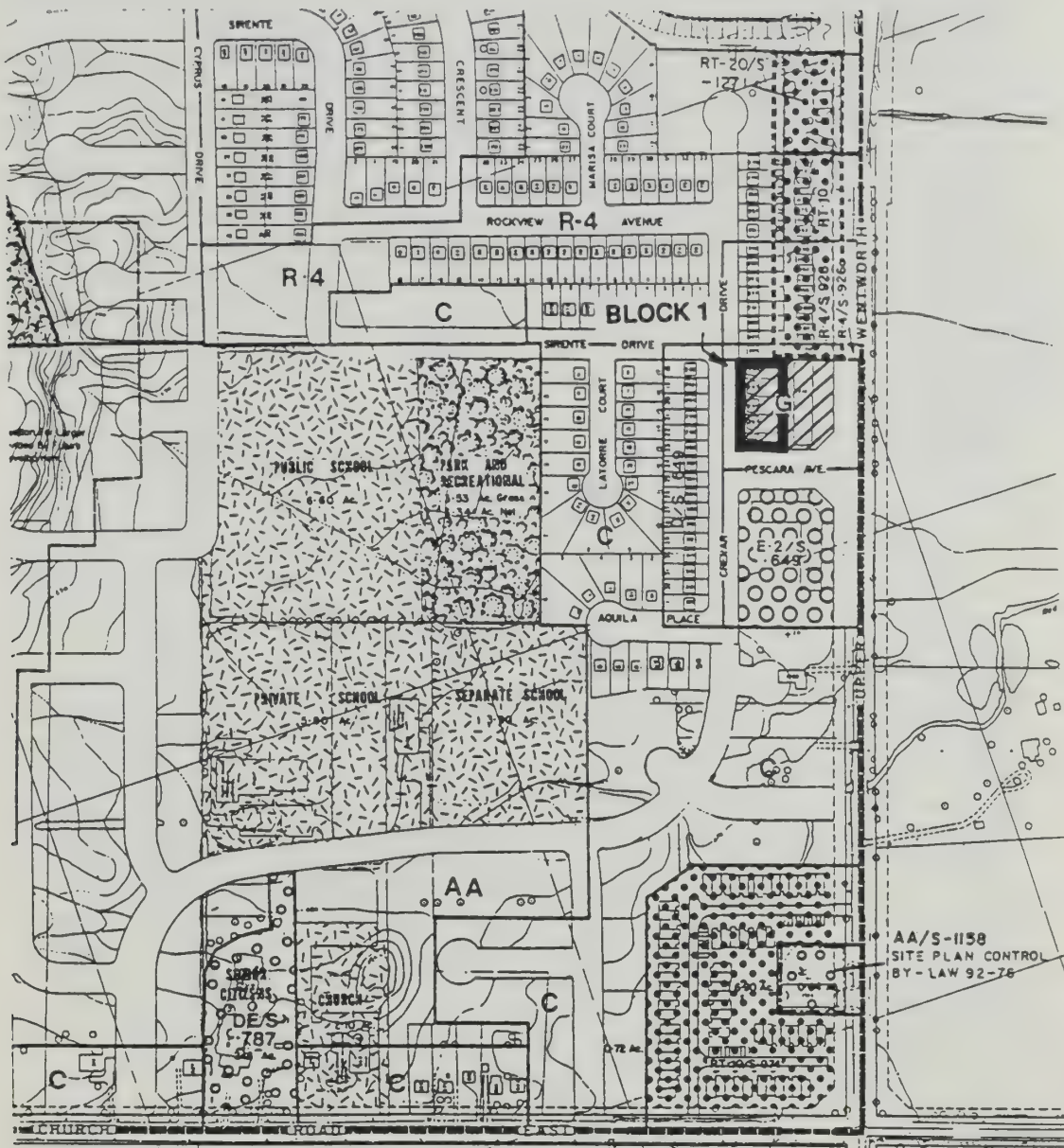
BLOCK 1

From "Medium Density Apartments"
to "Civic & Institutional"

Neighbourhood Boundary
 Zoning Boundary

Approvals
 Planning Committee JUNE 22, 1967 Council NOV. 14, 1967

GREENFORD
 Approved Plan



LAND USE RESIDENTIAL

	single & double
	attached housing
	low density apartments
	medium density apartments
	high density apartments
	commercial & apartments
	COMMERCIAL
	INDUSTRIAL
	CIVIC & INSTITUTIONAL
	PARK & RECREATIONAL
	OPEN SPACE
	UTILITIES
	INSTITUTIONAL & SPECIAL HOUSING

Schedule "H"

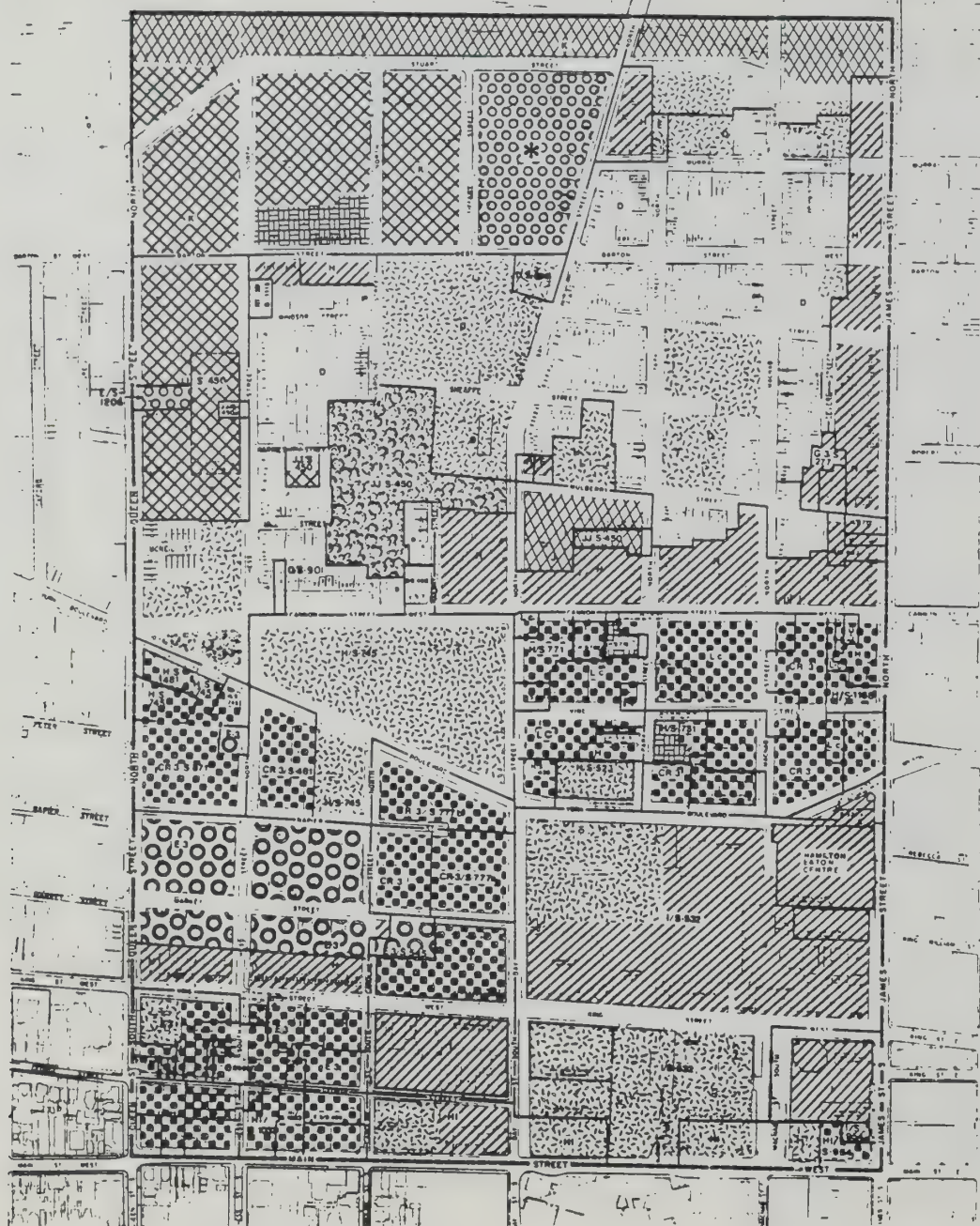
BLOCK 1

From "Commercial"
to "Single and Double"

--- Neighbourhood Boundary
— Zoning Boundary

Approval
Planning Committee MARCH 14, 1979 Council MARCH 27.

CRERAR
Approved Plan



NOTE: This is a GUIDE PLAN only and is subject to change. For details contact the local planning division of the Regional Municipality of Hamilton-Wentworth.

- * PROPOSED SPECIAL POLICIES FOR DEVELOPMENT ON NORTH AND WEST PERIMETER OF THE BLOCK
- ORIENTATION OF UNITS TOWARDS THE INSIDE OF THE SITE
 - ROW FORM OF HOUSING
 - SUBJECT TO NOISE STUDY AND DECOMMISSIONING PLAN
 - AIR CONDITIONING

All Lands Within This Neighbourhood is Subject To Site Plan Control By-Law No. 60-285.

EXISTING POPULATION (1985) 3647

LAND USE

RESIDENTIAL

- single & double
- attached housing
- low density apartments
- medium density apartments
- high density apartments
- commercial & apartments

- COMMERCIAL
- INDUSTRIAL
- CIVIC & INSTITUTIONAL
- PARK & RECREATIONAL
- OPEN SPACE
- UTILITIES
- COMMERCIAL & INDUSTRIAL

- Neighborhood Boundary
- Zoning Boundary

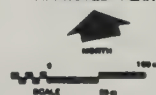
Approved

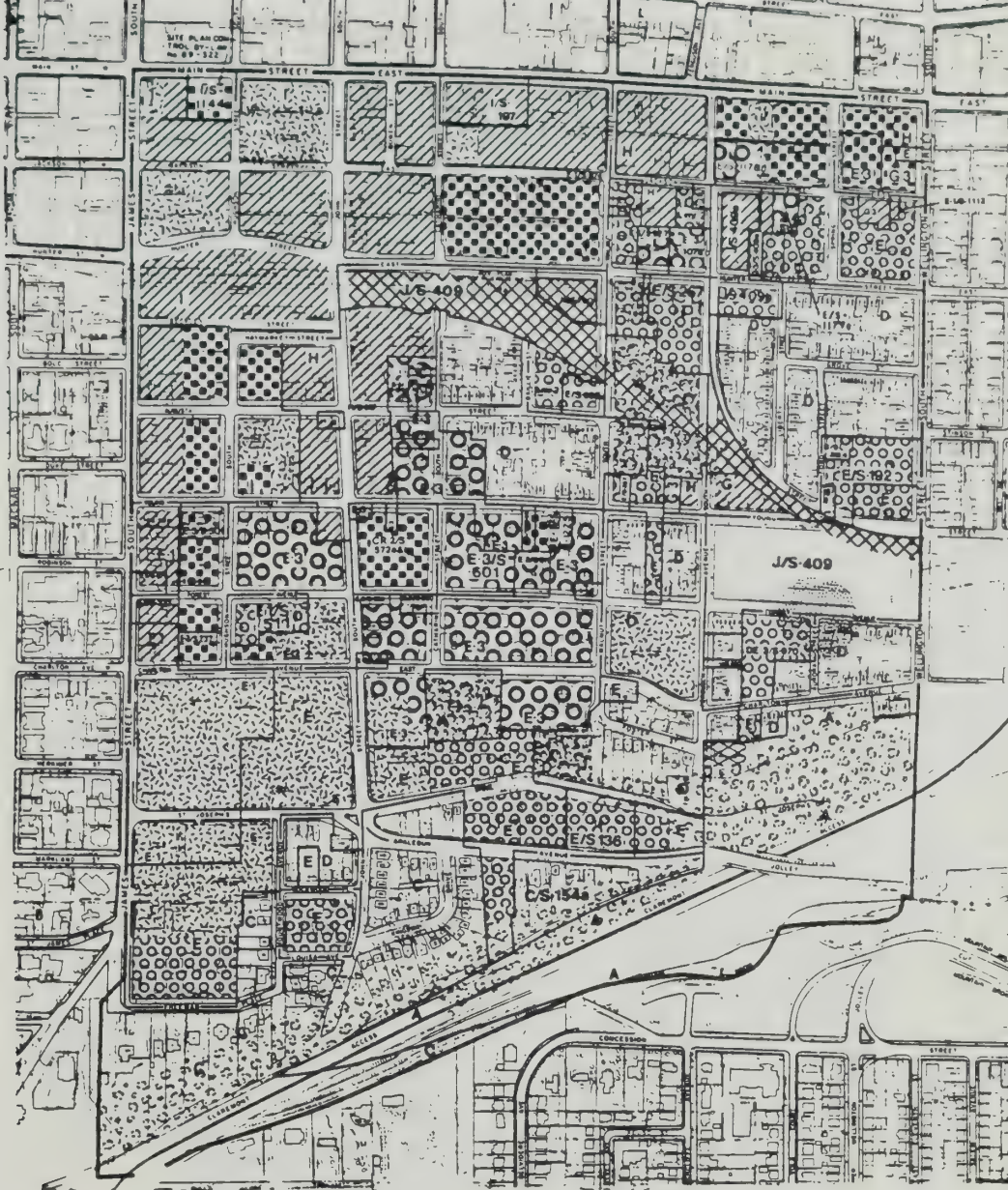
Planning Committee 1984.1.1975 Council JUNE 12, 1975

Latest Revision Date NOV. 13, 1990

CITY OF HAMILTON
PLANNING DEPARTMENT

CENTRAL
APPROVED PLAN





NOTE: This is a GUIDE PLAN only and is subject to change. For details contact the local planning division of the Regional Municipality of Hamilton-Wentworth.

1 ACRES OF NEIGHBOURHOOD PARK OPEN SPACE TO BE LOCATED IN THIS AREA

All Lands Within This Neighbourhood is Subject To Site Plan Control By-Law No. 90-285.

EXISTING POPULATION (1985) 6550

LAND USE

RESIDENTIAL

- single & double
- attached housing
- low density apartments
- medium density apartments
- high density apartments
- commercial & apartments

- COMMERCIAL
- INDUSTRIAL
- CIVIC & INSTITUTIONAL
- PARK & RECREATIONAL
- OPEN SPACE
- UTILITIES
- MULTICENTRE

- Neighbourhood Boundary
- Zoning Boundary

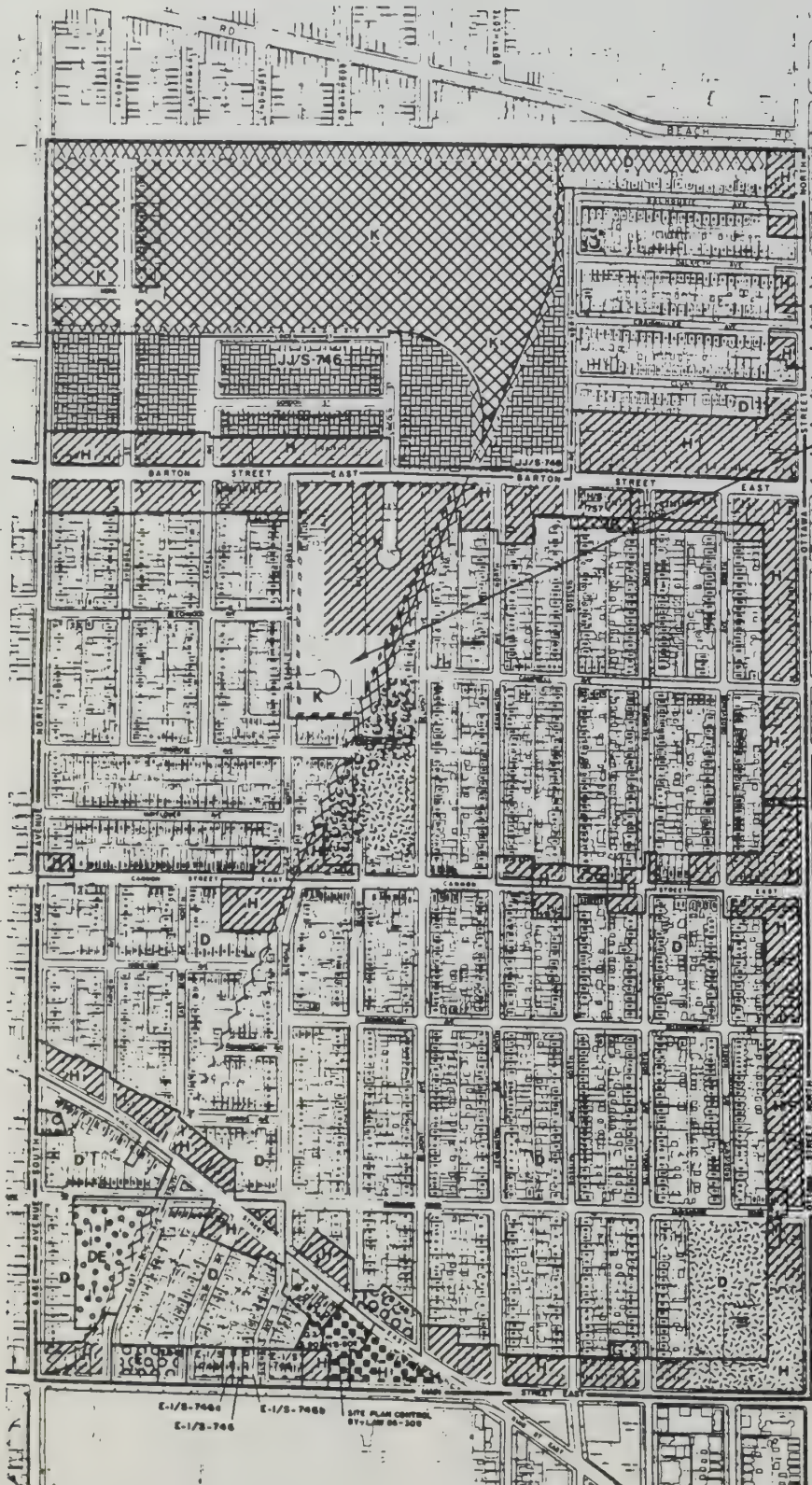
Approved
Planning Committee: JUNE 21, 1979 Council: NOV. 21, 1979
Land Revision Date: FEBRUARY 21, 1988

CITY OF HAMILTON
PLANNING DEPARTMENT

CORKTOWN
APPROVED PLAN



Schedule "K"



DEFERRED
FOR REVIEW

Note: This is a GUIDE PLAN only and is subject to change. For details contact the local planning division of the Regional Municipality of Hamilton-Wentworth.

EXISTING POPULATION (1988) 6776

LAND USE

RESIDENTIAL

- single & double detached housing
- low density apts.
- medium density apts.
- commercial conversion & low density apts.
- commercial and apartments

COMMERCIAL

- INDUSTRIAL
- CIVIC & INSTITUTIONAL
- PARK & RECREATIONAL
- OPEN SPACE
- UTILITIES
- COMMERCIAL & INDUSTRIAL

- Neighbourhood Boundary
- Zoning Boundary

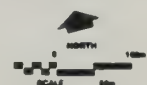
Approved

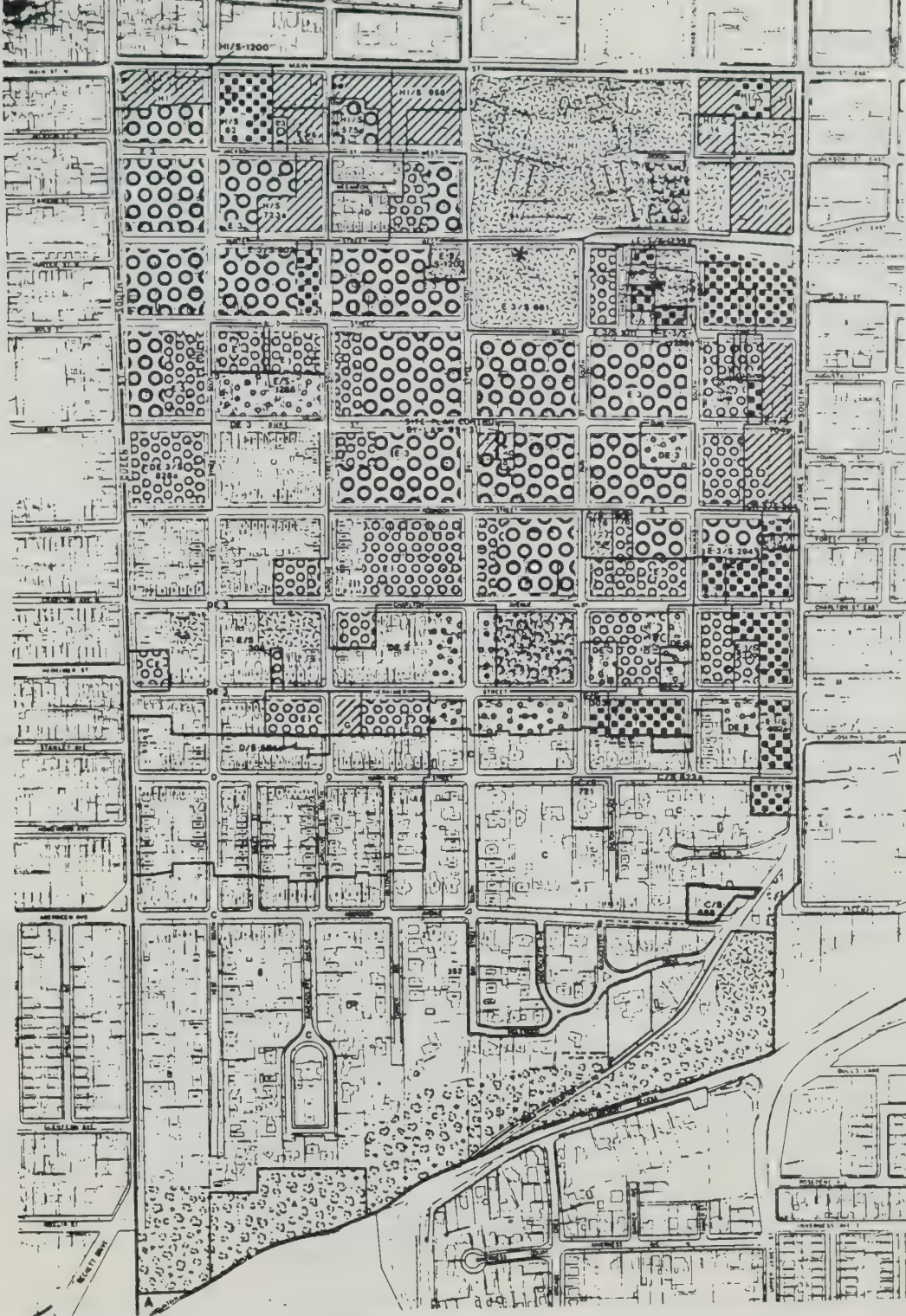
Planning Committee OCT. 13, 1981 Enacted APRIL 14, 82

Latest Revision Date NOVEMBER 26, 1988

CITY OF HAMILTON
Planning Department

CROWN POINT WEST
APPROVED PLAN





NOTE: This is a GUIDE PLAN only and is subject to change. For details contact the local planning division of the Regional Municipality of Hamilton-Wentworth.

NOTE: * Second floor of school converted and used for business and professional offices off - street parking provided on property.
★ MacNab - Charles Heritage Conservation District.

All Lands Within This Neighbourhood is Subject To Site Plan Control By-Law No. 90-285.

EXISTING POPULATION (1985) 10625

LAND USE

RESIDENTIAL

- single & double
- attached housing
- low density apartments
- medium density apartments
- high density apartments
- commercial & apartments

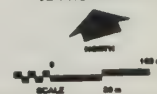
- COMMERCIAL
- INDUSTRIAL
- CIVIC & INSTITUTIONAL
- PARK & RECREATIONAL
- OPEN SPACE
- UTILITIES

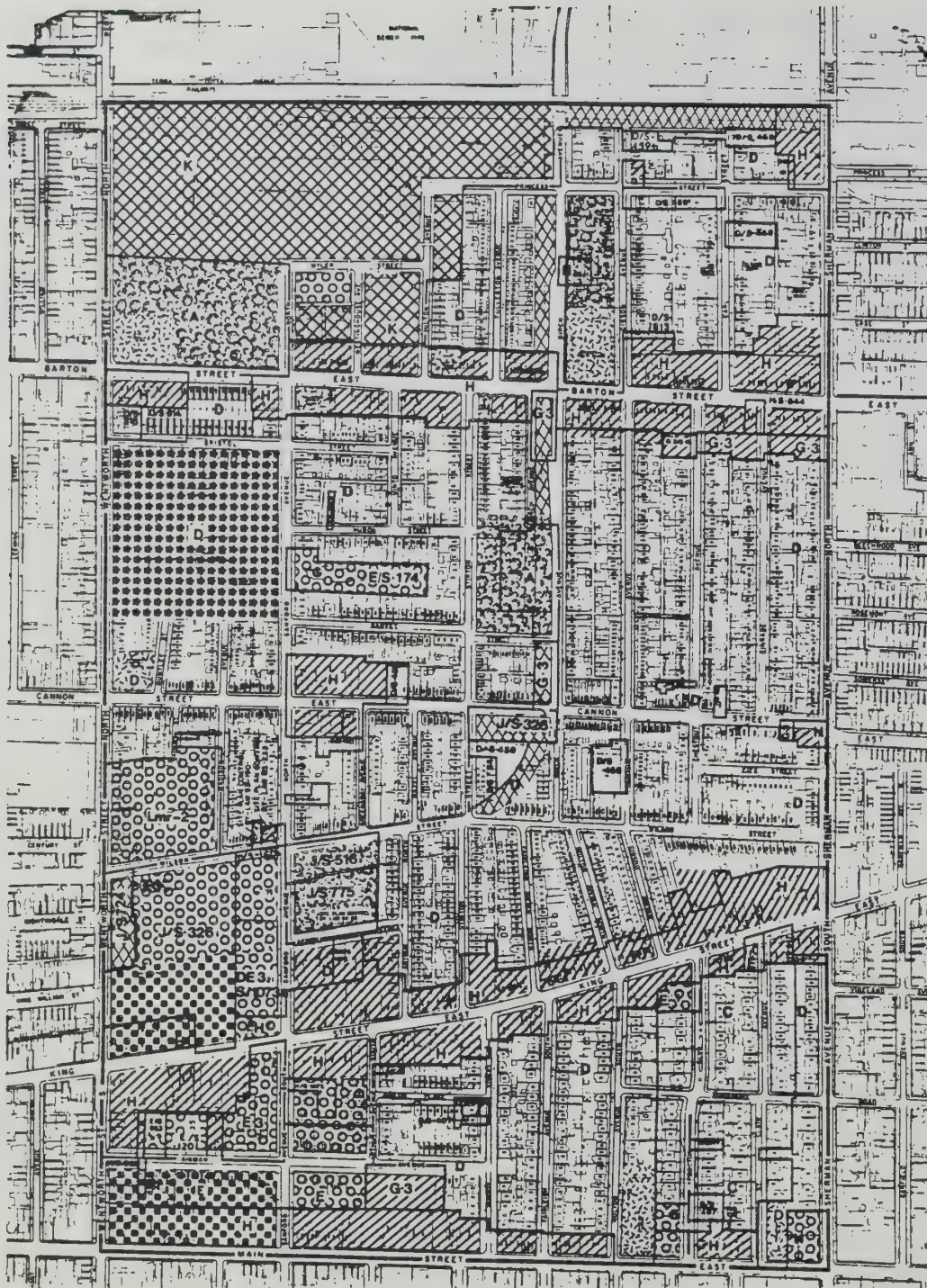
- Neighbourhood Boundary
- Zoning Boundary

Approved
Planning Committee NOV. 16, 1979 Council DEC. 16, 1979
Latest Revision Date OCT. 11, 1988

CITY OF HAMILTON
PLANNING DEPARTMENT

DURAND
APPROVED PLAN





NOTE: This is a GUIDE PLAN only and is subject to change. For details contact the local planning division of the Regional Municipality of Hamilton-Wentworth.

NOTE: Existing "non-obnoxious" industries will be dealt with by an individual control Zoning By-law which may permit some expansion.

EXISTING POPULATION (1985) 7816

LAND USE

RESIDENTIAL

- single & double
- attached housing
- low density apartments
- medium density apartments
- high density apartments
- commercial & apartments

- COMMERCIAL
- INDUSTRIAL
- CIVIC & INSTITUTIONAL
- PARK & RECREATIONAL
- OPEN SPACE
- UTILITIES
- MULTICENTRE

Neighbourhood Boundary
Zoning Boundary

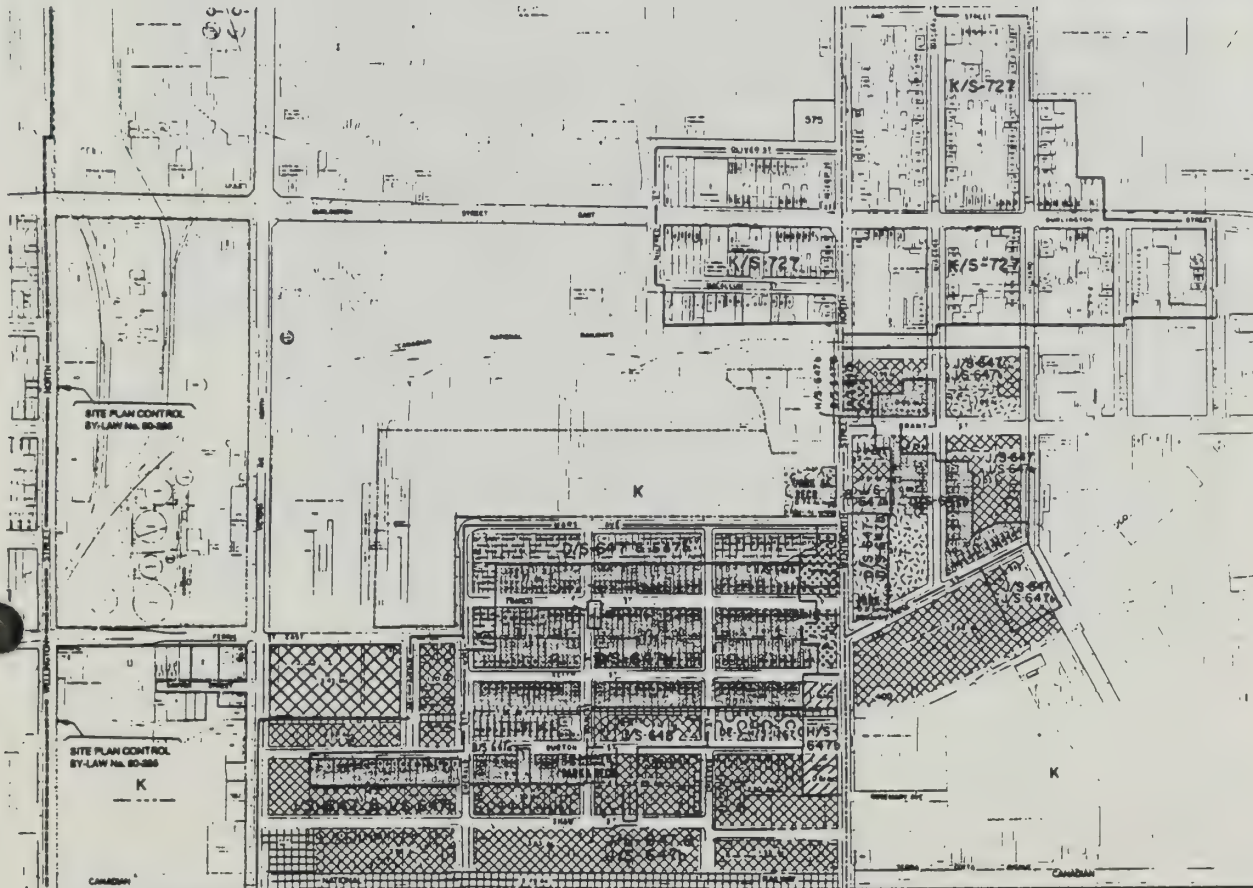
Approved
Planning Commission 1984, 1985 Council 1984, 1985
Latest Revision Date October 30, 1990

CITY OF HAMILTON
PLANNING DEPARTMENT

GIBSON
APPROVED PLAN



Schedule "N"



LAND USE RESIDENTIAL

- single & double attached housing
- restricted residential
- mixed commercial & restricted residential
- COMMERCIAL
- INDUSTRIAL
- CIVIC & INSTITUTIONAL
- PARK & RECREATIONAL
- OPEN SPACE
- UTILITIES
- RESTRICTED INDUSTRIAL

- Neighbourhood Boundary
- Zoning Boundary
- Staging of Development
- Boundary
- Match Line

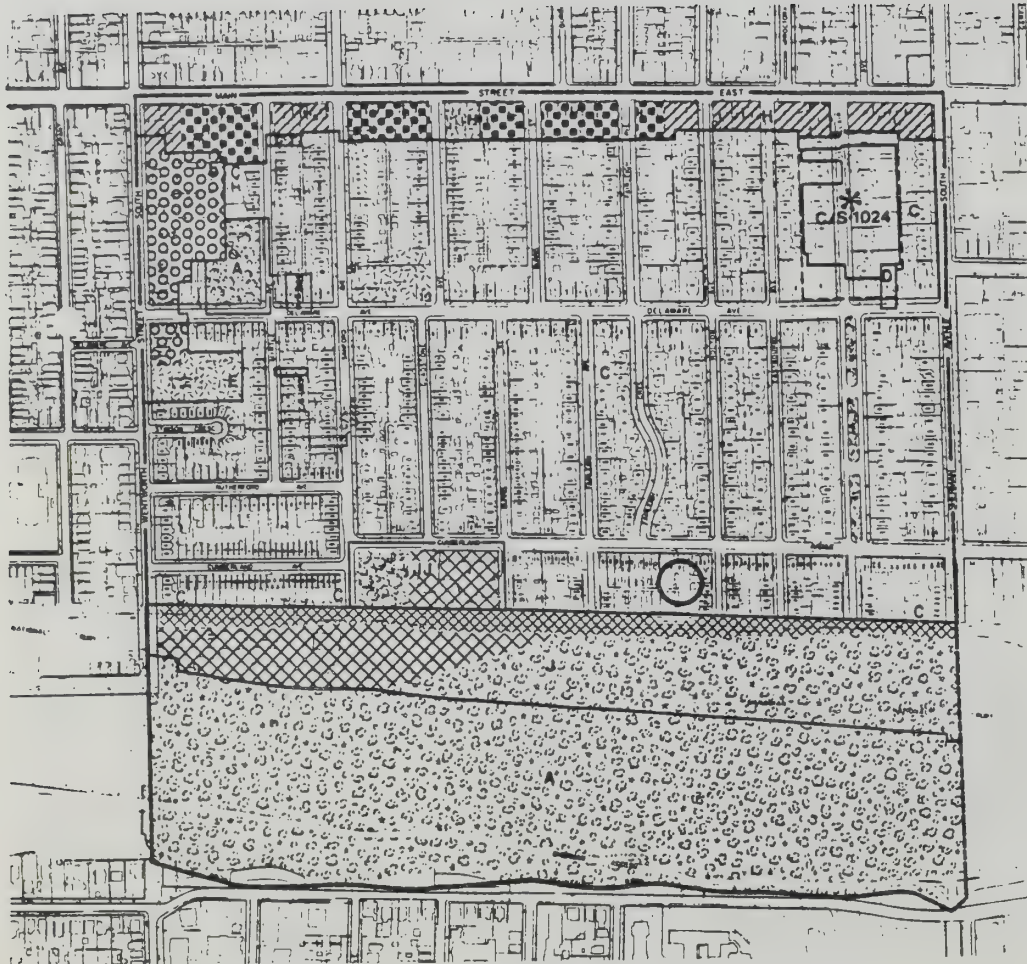
Approved
Planning Bd. SEPTEMBER 27, 1978 Council 11/10/84 10/9/85
Revisions

CITY OF HAMILTON
PLANNING DEPARTMENT

KEITH
APPROVED PLAN



Schedule "O"



NOTE: This is a GUIDE PLAN only and is subject to change. For details contact the local planning division of the Regional Municipality of Hamilton-Wentworth.

NOTE :

- * Heritage District (see Special Policies)
- Possible alternative to existing playground at the corner of Sanford Ave. and Cumberland Ave.

EXISTING POPULATION (1985) 3293

LAND USE

RESIDENTIAL

- single & double attached housing
- low density apartments
- medium density apartments
- high density apartments
- commercial & apartments

- COMMERCIAL
- INDUSTRIAL
- CIVIC & INSTITUTIONAL
- PARK & RECREATIONAL
- OPEN SPACE
- UTILITIES

- Neighbourhood Boundary
- Zoning Boundary

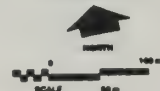
Approval

Planning Committee FEB. 12, 1978 Council JUNE 24, 1978

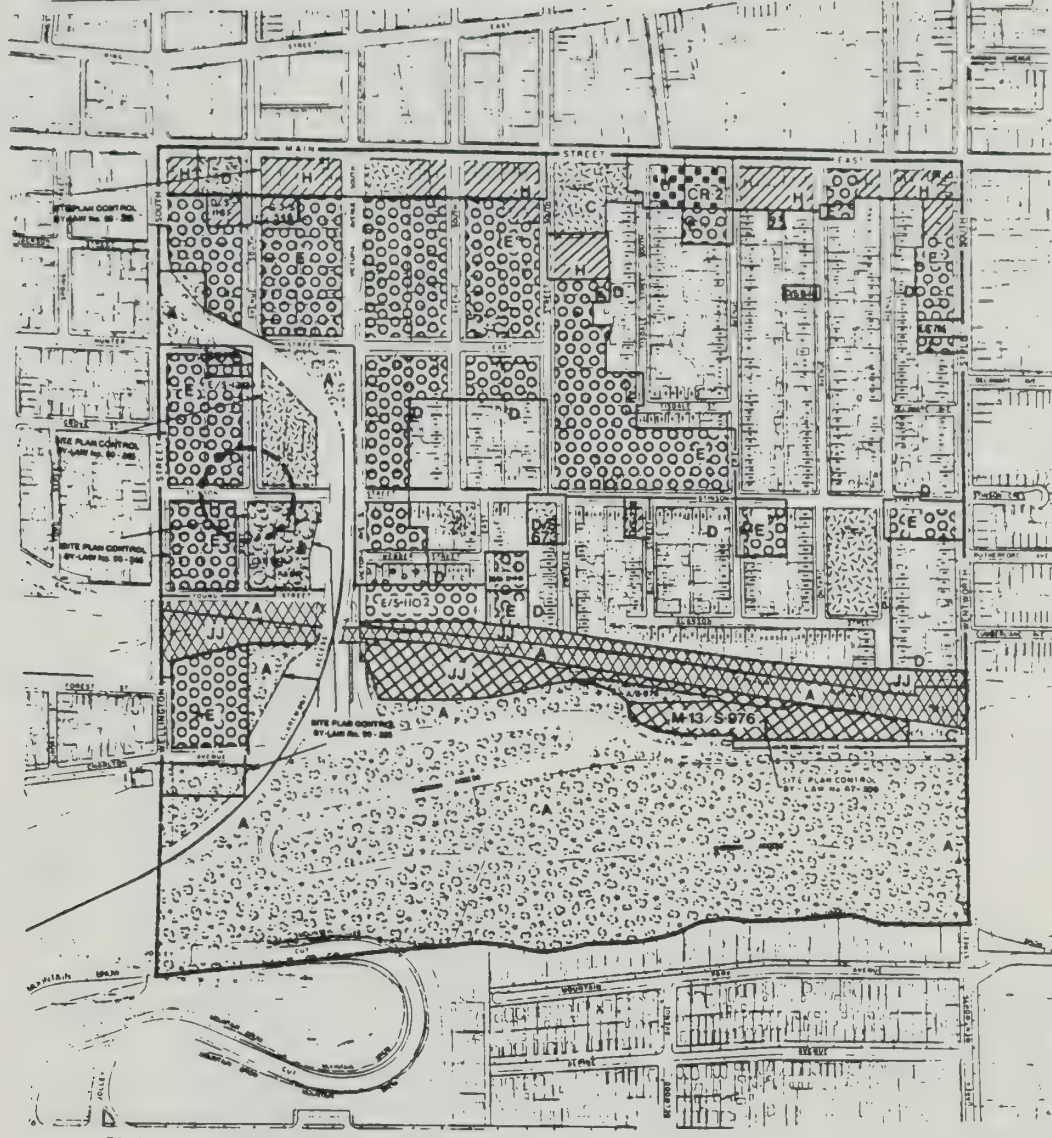
Latest Revision Date APRIL 12, 1980

CITY OF HAMILTON
PLANNING DEPARTMENT

ST. CLAIR
APPROVED PLAN



124



NOTE: This is a GUIDE PLAN only and is subject to change. For details contact the local planning division of the Regional Municipality of Hamilton-Wentworth.



POSSIBLE LOCATION FOR FUTURE EXPANSION OF COMMUNITY RECREATION FACILITIES (TENNIS COURT, ARENA)

EXISTING POPULATION (1985) 4079

LAND USE

RESIDENTIAL

- single & double
- attached housing
- low density apartments
- medium density apartments
- high density apartments
- commercial & apartments

- COMMERCIAL
- INDUSTRIAL
- CIVIC & INSTITUTIONAL
- PARK & RECREATIONAL
- OPEN SPACE
- UTILITIES

- Neighbourhood Boundary
- Zoning Boundary

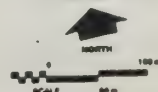
Approved

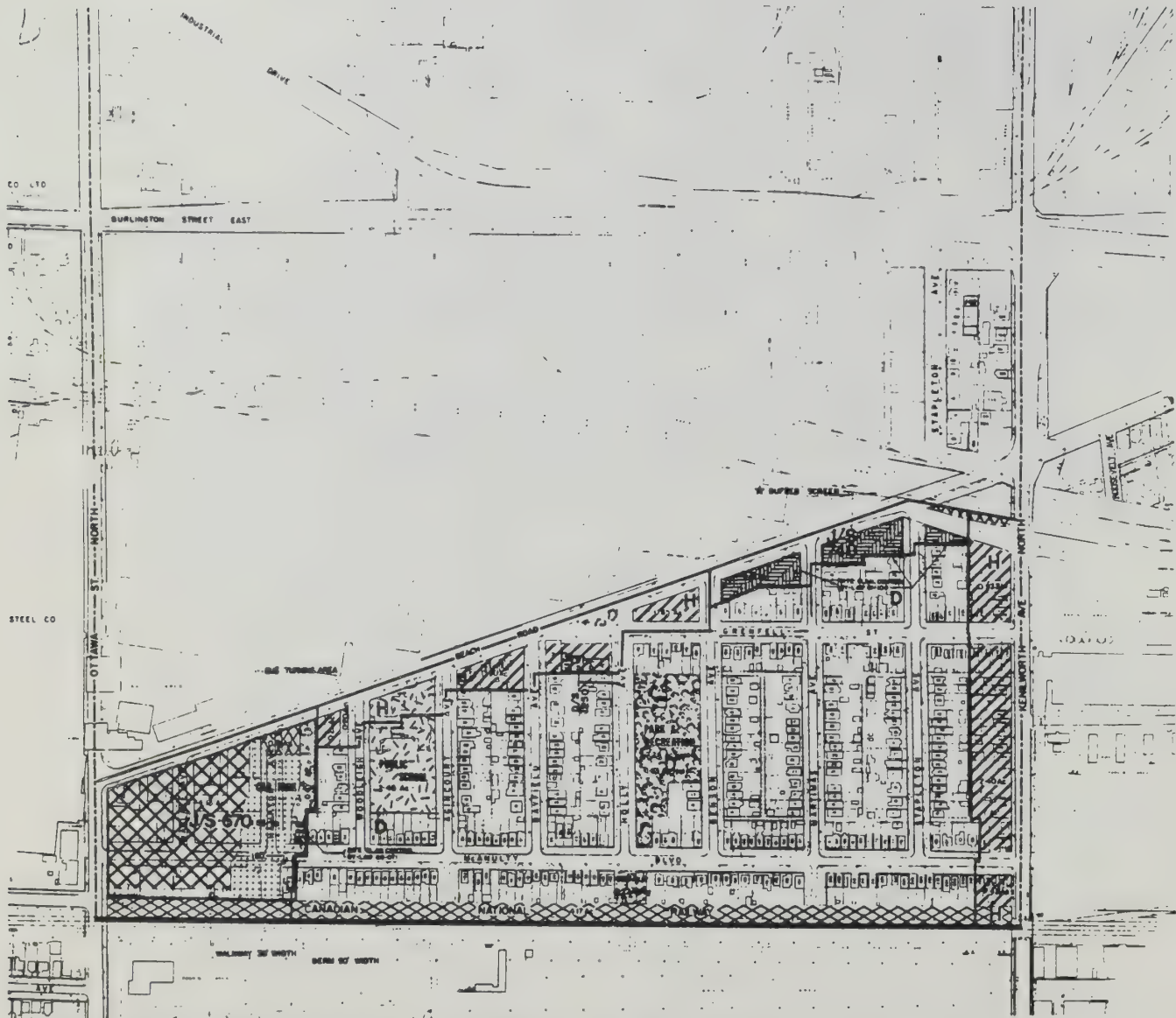
Planning Committee FEB. 12, 1975 Council JUNE 24, 1975

Local Revision Date NOVEMBER 10, 1987

CITY OF HAMILTON
PLANNING DEPARTMENT

STINSON
APPROVED PLAN





NOTE: This is a GUIDE PLAN only and is subject to change.
For details contact the local planning division of the Regional
Municipality of Hamilton-Wentworth.

NOTE: UNDESIRABLE INDUSTRIES TO BE
AT A DISTANCE OF 100 METRES MINIMUM
FROM RESIDENTIAL DESIGNATIONS.

• SEE POLICIES OF PLAN

EXISTING POPULATION (1988) 915

LAND USE RESIDENTIAL



*carpark / landscape

COMMERCIAL

INDUSTRIAL

CIVIC & INSTITUTIONAL

PARK & RECREATIONAL

OPEN SPACE

UTILITIES

* Refer To Written Policies For Details

*COMMERCIAL / INDUSTRIAL

--- Neighbourhood Boundary

— Zoning Boundary

--- MATCH LINE

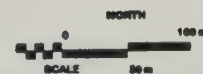
Approval

Planning Committee SEPT. 26, 1978 Council OCT. 30, 1978

Latest Revision Date JULY 14, 1981

CITY OF HAMILTON
PLANNING DEPARTMENT

Mc ANULTY
APPROVED PLAN



Dca)

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1993 February 16

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. D. Lobo
Director of Public Works

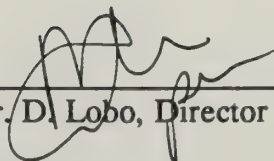
SUBJECT: Westdale Village Business Improvement Area (B.I.A.)
Proposed Budget and Schedule of Payments for 1993.

RECOMMENDATION:

- a) That the 1993 Operating Budget of the Westdale Village B.I.A. (attached as Schedule 'A') be approved in the amount of twenty-five thousand dollars (\$25,000.); and,
- b) That the City Treasurer be hereby authorized and directed to prepare the requisite by-law pursuant to Section 220, the Municipal Act, R.S.O. 1990, to levy the 1993 budget as referenced in (a) above; and,
- c) That the following Schedule of Payments for 1993 be approved:

March 01	\$12,500.
September 01	\$12,500.

NOTE: 1992 Levy Arrears will be deducted from the two payments for 1993.



Mr. D. Lobo, Director of Public Works

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The amount of twenty-five thousand dollars (\$25,000.) is totally levied by the B.I.A. through its members. There is no cost to the City of Hamilton for any part of this twenty-five thousand dollar (\$25,000.) Operating Budget.

BACKGROUND:

At its Annual General Meeting held 1992 December 14, the Westdale Village B.I.A. adopted a budget of twenty-five thousand dollars (\$25,000.).

 HM:hm

c.c. Mr. A. Ross, City Treasurer
Treasury Department
Att: Mr. T. Bradbury, Asst. Supervisory Business Tax

1993 Budget ~~Proposal~~

SCHEDULE 'A'

~~XXXXXXXXXXXX~~ APPROVED

Advertising. (includes 2 Sidewalk sales, Sept. festival) 7,500

Festival + Promotion 12,000 -

Flower Program 2,500 -

Mtg. 1,000 -

Financial Chgs 400 -

Insurance 1,600 -

25,000 -

Christmas
Bazaar

Authorized

Dec 14/92
General Meeting

D (b)

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1993 February 16

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. D. Lobo
Director of Public Works

SUBJECT: Westdale Village Business Improvement Area (B.I.A.) -
Revised Board of Management

RECOMMENDATION:

- a) That By-law No. 92-074 appointing the Westdale Village B.I.A. Board of Management be amended to delete the following names:

Cathy Young	Westdale Food Shoppe
Pat Hubbard	Copies Plus
Cynthia Dika	The Colour Studio
Adam Yoo	Grandma Lees

- b) That in accordance with the provisions of subsections 6 and 8 of Section 220 of the Municipal Act, R.S.O. 1990, City Council appoint the following persons to hold office as a member of the Westdale Village B.I.A.:

Bob Basadur	Cottonwood
Dan Upsdell	Oddities

- c) That the City Solicitor be authorized and directed to amend By-law No. 92-074 pursuant to (a) and (b) above.



Mr. D. Lobo, Director of Public Works

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Westdale Village B.I.A. held a General Meeting on 1992 December 01 at which time the above members were appointed to sit on the Board of Management. Westdale Village B.I.A.'s Constitution allows for a minimum of eight and maximum of fifteen members on the Board of Management. At the present time there are eight members.

HM:hm

c.c. Ms. P. Noé Johnson, City Solicitor
Law Department
Att: Mr. A. Zuidema, Solicitor

D(c)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1993 February 16

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. D. Lobo
Director of Public Works

SUBJECT: International Village Business Improvement Area;
Expansion of Boundaries.

RECOMMENDATION:

- a) That Item 3(a) of the Twentieth Report of the Planning and Development Committee approved by City Council at its meeting held 1992 November 24 be amended to read:
- i) That the International Village Business Improvement Area boundaries be expanded to include the following:
1. Both sides of King William Street from Mary to Wellington Streets.
 2. The east side of Mary Street from King to King William Streets.
 3. Both sides of Ferguson Avenue from King to King William Streets.
 4. The west side of Wellington Street from King William to Main Streets.
 5. Spring Street from King and Main Streets.
 6. Walnut Street from King to King William Streets; and,
- ii) That the City Clerk's Department be authorized and directed to circularize the existing B.I.A. membership and the proposed expansion area with the notice of intent to expand the boundaries of the B.I.A. and pass a new by-law in accordance with Section 220 of the Municipal Act; and,
- iii) That the Law Department be authorized and directed to prepare the necessary by-law.


Mr. D. Lobo, Director of Public Works

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The International Village B.I.A. has re-thought their request to expand the B.I.A. boundaries and is now requesting that Walnut Street from King to King William Streets be included within the area proposed for expansion. The map attached as Schedule 'A' shows the existing and proposed boundaries of International Village B.I.A.

HM:hm

c.c. Ms. P. Noé Johnson, City Solicitor
Law Department

Mr. A. Ross, City Treasurer
Treasury Department



Existing boundaries

Proposed boundaries

All Lands Within This Neighbourhood Is Subject
To Site Plan Control By-law No. 90-285.

<p>CITY OF HAMILTON</p> <p>BEASLEY</p> <p>ZONING</p>		<p>0 50m 100m</p> <p>SCALE</p> <p>0 50m 100m</p> <p>NORTH</p>
<p>107 108 89</p> <p>21 10 95</p> <p>41 31 125</p>	<p>This is not a Legal Document For Zoning Verification Please Contact City Building Department</p>	
<p>Neighbourhood Boundary</p> <p>Zoning Boundary</p>	<p>Prepared for The City of Hamilton by the Planning and Development Department of The Regional Municipality of Hamilton Wentworth</p>	<p>PLANNED UNIT NO 6703</p> <p>PAGE NO 10</p>

D(d)

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1993 February 16

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. D. Lobo
Director of Public Works

SUBJECT: Downtown Hamilton Business Improvement Area
(B.I.A.) - Revised Board of Management.

RECOMMENDATION:

- a) That By-law No. 92-058 appointing the Downtown Hamilton B.I.A. Board of Management be amended to delete the following names:
- | | |
|----------------|------------------------|
| Marcel Mongeon | Royal Connaught Hotel |
| Greg Gouthreau | Hamilton Holiday Inn |
| Al Spadero | Central Guaranty Trust |
- b) That in accordance with the provisions of subsections 6 and 8 of Section 220 of the Municipal Act, R.S.O. 1990, City Council appoint the following persons to hold office as a members of the Downtown Hamilton B.I.A.:
- | | |
|--------------|----------------------|
| Jean Edwards | Hamilton Holiday Inn |
|--------------|----------------------|
- c) That the City Solicitor be authorized and directed to amend By-law 92-058 pursuant to (a) and (b) above.



Mr. D. Lobo, Director of Public Works

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Downtown Hamilton B.I.A. held its Annual General Meeting on 1992 December 10 at which time the above member was appointed to sit on the Board of Management. Downtown Hamilton B.I.A.'s Constitution allows for a minimum of seven and maximum of seventeen members on the Board of Management. At the present time there are eleven members.

NHM:hm

c.c. Ms. P. Noé Johnson, City Solicitor
Law Department
Att: Mr. A. Zuidema, Solicitor

E(a)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: February 23, 1993

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
1110 UPPER JAMES STREET
(93.1.1.A)

RECEIVED

FEB 25 1993

CITY CLERKS

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 1110 UPPER JAMES STREET.


L.C. King, P. Eng.

LCK/EB/zr

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: "C" and "AA" Residential and Agriculture

PRESENT USE: Single Family Dwelling

PROPOSED USE: Mountain Freeway

BRIEF DESCRIPTION: 1½ storey wood frame house

The owner requires the house to be demolished to provide for the Mountain Freeway. No LACAC interest. Lot size 53' x 583'.

The owner of the property as per the demolition permit is:

Regional Municipality of Hamilton-Wentworth

E(6)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: February 23, 1993

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
19 LIMERIDGE ROAD EAST
(93.1.1.A)

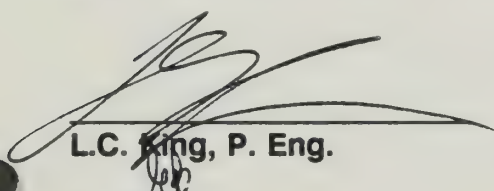
RECEIVED

FEB 28 1993

CITY CLERKS

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 19 LIMERIDGE ROAD EAST.



L.C. King, P. Eng.

LCK/EB/zr

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: "C" Residential

PRESENT USE: Single Family Dwelling

PROPOSED USE: Mountain Freeway

BRIEF DESCRIPTION: 1½ storey frame house

The owner requires the house to be demolished to provide for the Mountain Freeway. No LACAC interest. Lot size 40' x 155'.

The owner of the property as per the demolition permit is:

Regional Municipality of Hamilton-Wentworth

Eco

CITY OF HAMILTON
- RECOMMENDATION -

DATE: February 23, 1993

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
62 LIMERIDGE ROAD EAST
(93.1.1.A)

RECEIVED

FEB 23 1993

CITY CLERKS

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for **62 LIMERIDGE ROAD EAST.**



L.C. King, P. Eng.

LCK/EB/zr

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: "C" Residential

PRESENT USE: Single Family Dwelling

PROPOSED USE: Mountain Freeway

BRIEF DESCRIPTION: 1½ storey frame house

The owner requires the house to be demolished to provide for the Mountain Freeway. No LACAC interest. Lot size 65' x 176'.

The owner of the property as per the demolition permit is:

Regional Municipality of Hamilton-Wentworth

E(d)

CITY OF HAMILTON
- RECOMMENDATION -

DATE: February 23, 1993

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
266 LIMERIDGE ROAD EAST - Tag Number 88591
(93.1.1.A)

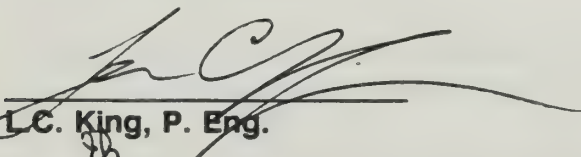
RECEIVED

FEB 23 1993

CITY CLERKS

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 266 LIMERIDGE ROAD EAST.



L.C. King, P. Eng.

LCK/EB/zr

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: "DE-3/S-1133" Multiple Dwellings

PRESENT USE: Single Family Dwelling

PROPOSED USE: 2 - 6 Unit Multiple Dwellings

BRIEF DESCRIPTION: 1½ storey wood frame house

The owner wishes to demolish the present house to provide the area for two (2) new apartment buildings, each containing six (6) units. This is being developed under By-Law 89-323. No LACAC interest. Lot size 74' x 254'.

The owner of the property as per the demolition permit is:

Shoreline Gardens Ltd.
c/o Mr. Fernando Fabiani, Architect
3390 South Service Road, Burlington

F.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1993 February 24

REPORT TO: Planning and Development Committee

FROM: Tina Agnello, Secretary
Planning and Development Committee

SUBJECT: Information Items



RECOMMENDATION:

That the following Information Items, which have been previously forwarded to Members of the Committee under separate cover, be received for information purposes:

- (a) Notice of Public Information Meeting for proposed Falkirk West Neighbourhood Plan
- (b) City Solicitor: Recent Administrative Tribunal Update Ontario Municipal Board dated 1993 February 15
- (c) Commissioner of Planning and Development: Approved Site Plan Control Applications dated 1993 February 23

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

6.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: February 18, 1992
ZA-92-46
Rymal Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT:

RECEIVED

FEB 20 1992

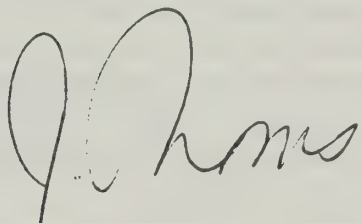
CITY CLERKS

Request for a modification in zoning - No. 10 Hempstead Drive.

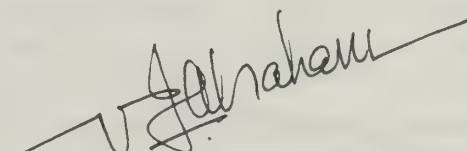
RECOMMENDATION:

That Zoning Application 92-46, Mr. G. Sebastian Inc., owner, requesting a modification to the established "M-14" (Prestige Industrial) District regulations, to permit an auto repair garage within the existing building, for the property located at No. 10 Hempstead Drive, Unit # 6, as shown on the attached map marked as APPENDIX "A", be **DENIED** for the following reasons:

- i) It conflicts with the recently adopted City Council Policy respecting the location of "automotive uses" in the "M" (Prestige Industrial) Districts. In this regard, "motor vehicle repair shops except paint and autobody repair shops" are restricted to the "M-11" (Prestige Industrial) District, and "motor vehicle repair shops including paint and autobody repair shops" are restricted to the "M-15" (Prestige Industrial) District;
- ii) Approval of the application would encourage other similar applications which, if approved, would undermine the intent of the Zoning By-law; and,
- iii) There appears to be an adequate supply of appropriately zoned lands in the East Mountain Industrial - Business Park to accommodate the proposed use.



J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department



V.J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

The applicant is seeking a modification to the established "M-14" (Prestige Industrial) District regulations to permit an auto repair garage within unit #6 of the existing building, for the property located at No. 10 Hempstead Drive.

- Site Plan Control Application DA-88-17

Plans were submitted and approved on June 8, 1988, by the Planning and Development Committee, for a one-storey industrial/commercial condominium at 10 Hempstead Drive.

The proposed occupancy at that time was strictly industrial. Thus, the property was developed to its maximum potential with a building having a G.F.A. of 1623.25 m² (17,475.78 sq.ft.) with thirty-six (36) required parking spaces and one (1) required loading space.

- Zoning Application 89-26

Zoning Application 89-26, for a modification to the established "M-14" (Prestige Industrial) District regulations to permit a restaurant in conjunction with an indoor miniature golf course within the existing building at 10 Hempstead Drive, was approved by the Planning and Development Committee and City Council at their meetings of April 26, 1989 and May 9, 1989, respectively.

- Zoning Application 91-77

Zoning Application 91-77, for a modification to the established "M-14" (Prestige Industrial) District regulations, to permit an auto repair garage including autobody fender repair and painting within the existing building, for the property located at No. 55 Lancing Drive, was approved by Planning and Development Committee at their meeting of August 19, 1992. It should be noted that the application was supported/approved on the basis the "M" District Study proposed to add motor vehicle repair shops 'as-of-right' to the "M-12", "M-13, and "M-14" Districts with the exception of paint and autobody repair which would be restricted to the "M-14" and "M-15" districts only.

On September 29, 1992, City Council passed By-law 92-247 and it came into effect October 8, 1992.

• "M" District Study

The "M" District Study recommended that motor vehicle repair shops be added 'as-of-right' to the "M-12", "M-13, and "M-14" Districts with the exception of paint and autobody repair which would be restricted to the "M-14" and "M-15" districts only. It was suggested that automotive uses are no less feasible than other uses permitted 'as-of-right' in the "M-12", "M-13, and "M-14" Districts (e.g. carwash, general contractor, etc.) in that they have functional and operational characteristics similar to other industrial uses.

During the public meetings, owners and tenants within the industrial park expressed concerns related to the negative spill over effects (i.e., noise, fumes, litter, storage of vehicles, etc.) of auto repair establishments on adjoining businesses in multi-tenancy buildings.

Consequently, the Planning and Development Committee at its meeting of August 19, 1992 **deleted** the recommendation to permit "motor vehicle repair shops except paint and autobody repair shops" to be added 'as-of-right' to the "M-12", "M-13", and "M-14" Districts.

Thus, the revised resolution stated that "motor vehicle repair shops except paint and autobody repair shops" be permitted in the "M-11" (Prestige Industrial) District, and "motor vehicle repair shops including paint and autobody repair shops" be permitted in the "M-15" (Prestige Industrial) District.

Applications for motor vehicle repair shops in any other "M" District would continue to be considered on their own merits.

On August 25, 1992, City Council adopted the Planning and Development Committee's recommendation, and By-law 92-246 came into effect December 15, 1992.

LOT SIZE AND AREA:

- 40.0 m (131.2 ft.) of lot frontage on Lancing Drive;
- 108.84 m (357.0 ft.) of lot depth; and,
- 0.43 ha (1.07 acres) of lot area.

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	industrial/commercial complex	"M-14" (Prestige Industrial) District - Modified

Surrounding Lands

to the north, south
east and west

industrial/commercial
complexes

"M-14" (Prestige Industrial)
District

OFFICIAL PLAN:

The subject lands are designated "INDUSTRIAL" on Schedule "A" and "Special Policy Area 11" on Schedule "B". The following policies apply, among others:

- "A.2.3.1 The primary uses permitted in the areas designated on Schedule "A" as INDUSTRIAL will be for Industry. In this regard, Industry is defined as manufacturing, processing, warehousing, repair and servicing. In addition to the primary permitted uses, the following uses may be permitted within INDUSTRIAL areas:
- ii) Business enterprises such as, but not limited to, banks, restaurants, garages, material suppliers, etc., which are intended to directly serve the Industries and their personnel;
 - iii) Uses which have characteristics or functional requirements similar to Industries;
 - vi) Public and private transportation terminals, highway and road related services (e.g., automobile service stations).
- A.2.3.13 The LIGHT INDUSTRIAL category applies to those Industrial Uses that have a minimal impact on surrounding land uses and, as set out in Subsection A.2.9.3, are shown on Schedule "B" as Special Policy Area 11. Generally LIGHT INDUSTRIAL USES will be encouraged to concentrate in a designed community-like precinct such as the East Mountain Industrial Park.
- A.2.3.19 In the LIGHT INDUSTRIAL precinct known as the East Mountain Industrial Park, those ancillary uses permitted within INDUSTRIAL areas as set out in Policy 2.3.1 (ii) will be restricted to areas abutting major roads. The detailed location of these uses will be identified in the Neighbourhood Plan.
- A.2.3.25 Adequate vehicular access, off-street parking and loading facilities will be required in clearly-defined areas for all development and redevelopment within the INDUSTRIAL designation, subject to the appropriate policies of Subsection B.3."

The subject lands are also located within **Special Policy Area 11** on Schedule B of the Official Plan. Accordingly, the following policy of Subsection A.2.9.3 - Other Policy Areas should be noted:

- "A.2.9.3.9 In keeping with the provisions of Subsection A.2.3, for those lands shown on Schedule "B" as SPECIAL POLICY AREA 11, Light Industrial Uses will be permitted. Accordingly, all appropriate policy provisions in this Plan dealing with the Light Industrial land use category will apply. Notwithstanding, for those lands which are adjacent to SPECIAL POLICY AREA 8, limited expansion to existing dwellings will be permitted without Committee of Adjustment approval."

The proposal does not conflict with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

The lands are designated "RESTRICTED INDUSTRIAL" in the Mountain Industrial Area Plan. The proposal does not conflict with the intent of the Plan.

RESULTS OF CIRCULARIZATION:

- The Hamilton Region Conservation Authority, and Ministry of the Environment have no comment or objection to the application.
- The Economic Development Department has advised:

"The Department has no objection to the proposed modification. Staff has worked with both the Realtor and company, and are of the opinion the proposed use should not be in conflict with any of the surrounding tenants and buildings.

The auto repair shop will strictly be engine rebuilding and should be no more "obnoxious" than the machine shop in the adjacent unit. The unit is located at the far end of the property and not visible from Hempstead. There are other auto repair uses in this vicinity and the engine rebuilding operation should be permitted."

- The Hamilton-Wentworth Engineering Department has advised:

"There are public watermains and separate storm and sanitary sewers available to service the subject lands. We have no further comments."

- The Building Department has advised:

"1. The use is not permitted in the M-14 zone."

Furthermore, the Building Department has advised that based upon an existing floor plan, submitted by the applicant, the existing parking and manoeuvring is satisfactory.

- The Traffic Department has advised:

"In response to your letter of 1992 November 06, please be advised that we have reviewed the above application and on the condition that all of the by-law required parking will be provided, we have no comment."

COMMENTS:

1. The proposal does not conflict with the intent of the Official Plan.
2. The proposal does not conflict with the intent of the East Mountain Industrial - Business Park Plan.
3. The proposal cannot be supported for the following reasons:
 - i) it conflicts with the recently adopted City Council Policy (i.e., "M" District Study) respecting the location of "automotive uses" in the "M" (Prestige Industrial) Districts. In this regard, "motor vehicle repair shops except paint and autobody repair shops" are restricted to the "M-11" (Prestige Industrial) District, and "motor vehicle repair shops including paint and autobody repair shops" are restricted to the "M-15" (Prestige Industrial) District;
 - ii) approval of the application would encourage other similar applications which, if approved, would undermine the intent of the Zoning By-law; and,
 - iii) there appears to be an adequate supply of appropriately zoned lands in the East Mountain Industrial - Business Park to accommodate the proposed use. In this regard, there are lands appropriately zoned at the south-east corner of Stone Church Road and Upper Ottawa ("M-11"), the north side of Rymal Road between Upper Ottawa Street and Nebo Road ("M-11"), below Rymal Road ("M-15"), and at the four corners of Rymal and Dartnall Road ("M-11" - See Appendix "B").

CONCLUSION:

On the basis of the foregoing, the application cannot be supported.

jl/JL
ZA9246

ZA-92-49



APPENDIX "B"

9.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1993 February 24
ZA-92-14
Normanhurst Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

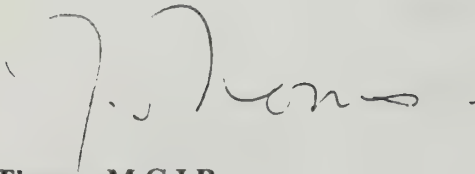
SUBJECT: Request for a modification to zoning - No. 121 Ivon Avenue.

RECEIVED
FEB 24 1993
4:15pm
CITY CLERKS

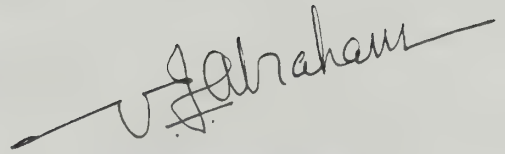
RECOMMENDATION:

That Zoning Application 92-14, Rainy Gaglani, owner, requesting a modification to the established "C" (Urban Protected Residential, etc.) District to permit expansion of a residential care facility from six (6) to ten (10) residents within the existing building, for property located at No. 121 Ivon Avenue, as shown on the attached map marked as Appendix "A", be DENIED for the following reasons:

- i) It conflicts with one of the primary goals of the Residential Care Facilities By-law to provide the residents of such facilities with an opportunity to live in an environment that closely approximates a family situation. This proposal represents a 66.6% increase in the number of residents (6 to 10 residents), permitted in a "C" (Urban Protected Residential, etc.) District.
- ii) Approval of this application would encourage other similar applications which, if approved, would undermine the intent of the Residential Care Facilities By-law.
- iii) The Department of Social Services has advised that there would not seem to be a need for additional beds, in that there are approximately 213 vacant beds available in the system.



J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department



V. J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Proposal

The purpose of the proposed zoning modification is to permit expansion of the existing residential care facility from six (6) residents permitted, to ten (10) residents within the existing building. The applicant has advised that five (5) of the six (6) residents are senior citizens, while the remaining resident is disabled. Four (4) off street parking spaces are to be provided in the rear yard which has access from a public unassumed alley. For the information of the members of the Planning and Development Committee, the applicant submitted the attached background information (see Appendix "B").

Committee of Adjustment Applications

- Application A-330-90

On November 28, 1990, the Committee of Adjustment denied Minor Variance application A-330-90 to permit the occupancy of the existing residential care facility to be increased from the permitted 6 residents to a new total of 8 residents. The Committee of Adjustment's reasons for denial were, that the relief requested is beyond that of a minor nature, is undesirable for the appropriate development of the land and building, and, is inconsistent with the general intent and purpose of the By-law and the Official Plan.

- Application A-87-9

On January 8, 1987, the Committee of Adjustment denied Minor Variance application A-87-9 to permit the use of the building for a residential care facility for the accommodation of 16 senior residents, instead of 6 residents permitted within the "C" District, and to provide 4 off-street parking spaces instead of the required 9 parking spaces. The Committee of Adjustment's reasons for denial were, that the relief requested is beyond that of a minor nature, and any such development request should more appropriately be directed through the Zoning By-law Amendment process for a site specific by-law amendment. Furthermore, that it is undesirable for the appropriate development of the

land and building, and is inconsistent with the general intent and purpose of the By-law and the Official Plan.

APPLICANT:

Rainy Gaglani, owner.

LOT SIZE AND AREA:

- 10.5 m (34.0 ft.) of lot frontage on Ivon Avenue;
- 30.48 m (100.0 ft.) of lot flankage on Roxborough Avenue; and,
- 1, 133.0 m² (3,400 sq.ft.) of lot area.

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Residential Care Facility	"C" (Urban Protected Residential, etc.) District
<u>Surrounding Lands</u>		
to the north, south, east and west	single-family dwellings	"C" (Urban Protected Residential, etc.) District

OFFICIAL PLAN:

The subject lands are designated "RESIDENTIAL" on Schedule "A" - Land Use Concept Plan of the Official Plan. The following policies, among others, would apply:

- " A.2.2.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.

- A.2.1.8 It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2."

In addition, the policies of Subsection C.7 Residential Environment and Housing Policy should be noted:

- "C.7.3 Council will ensure that the local RESIDENTIAL ENVIRONMENT is of a condition and variety satisfactory to meet the changing needs of area residents. Accordingly, Council will:
- iv) Encourage the responsible public agencies to provide low- cost and/or senior citizen housing at appropriate locations throughout the City;
 - v) Support the concept of an accessible RESIDENTIAL community throughout Hamilton and will encourage the development of a wide range of RESIDENTIAL care and short-term facilities through appropriate recognition in the Zoning By-law."

The proposal does not conflict with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

The subject lands are designated "SINGLE AND DOUBLE RESIDENTAL" on the approved Normanhurst Neighbourhood Plan, the proposal complies.

COMMENTS RECEIVED:

- The Building Department has advised that:
 - "1. The lot has insufficient width (12m required) and area (360m² required) to allow the use as a lodging house.
 2. Four (4) parking spaces are required together with required manoeuvring spaces.
 3. Our inspection has previously revealed that the presently required two (2) parking spaces cannot be provided on the lot. This has been reported to the Manager, Licencing Division, City Clerk's Department by Memorandum dated February 4, 1992."

- The Traffic Department has advised that:

" This proposal requires four parking spaces to be provided on-site in order to meet the Zoning By-law requirements. Four parking spaces can only be accommodated on-site with access from the unassumed alley and with a substandard parking space width of 8.5 feet. While we would be prepared to accept this variance, it should be noted that, as a result, the majority of the backyard will be used as a parking area."

- The Roads Department has advised that:

"There are public watermains and combined storm and sanitary sewers available to service these lands.

According to the plans submitted by the applicant, the existing hedge encroachment is contrary to the City of Hamilton Streets By-law and remains at the sole risk of the applicant. In the absence of any other details shown, we advise that any other works which may occur within the adjacent road allowances must conform to the City's Streets By-law.

The Traffic Department is to comment on access, etc. According to our records, the alley to the rear of the subject lands is public unassumed."

- The Hamilton Wentworth Department of Social Services has advised:

"...the number of contract-home beds available in the system currently, ...there were 213 at the end of December, 1992.

Mr. Gaglani continues to give adequate care to his six residents and he has a waiting list of applicants who apparently wish to locate in the east end. His facility is one of the few homes in that part of the City."

- The Hamilton Region Conservation Authority and The City Clerks Department-Licence Division have no comments or objections.

COMMENTS:

1. The proposal complies with the intent of the Official Plan.
2. The proposal complies with the intent of the approved Normanhurst Neighbourhood Plan.
3. The proposal cannot be supported for the following reasons:
 - By-law 81-27 concerning the regulation of residential care facilities and short term care facilities was passed by Council on January 13, 1981. The effect of the By-

law is to permit such facilities in a broad range of commercial and residential districts with specific resident capacity limits in order to promote a residential, family-like atmosphere within the facility.

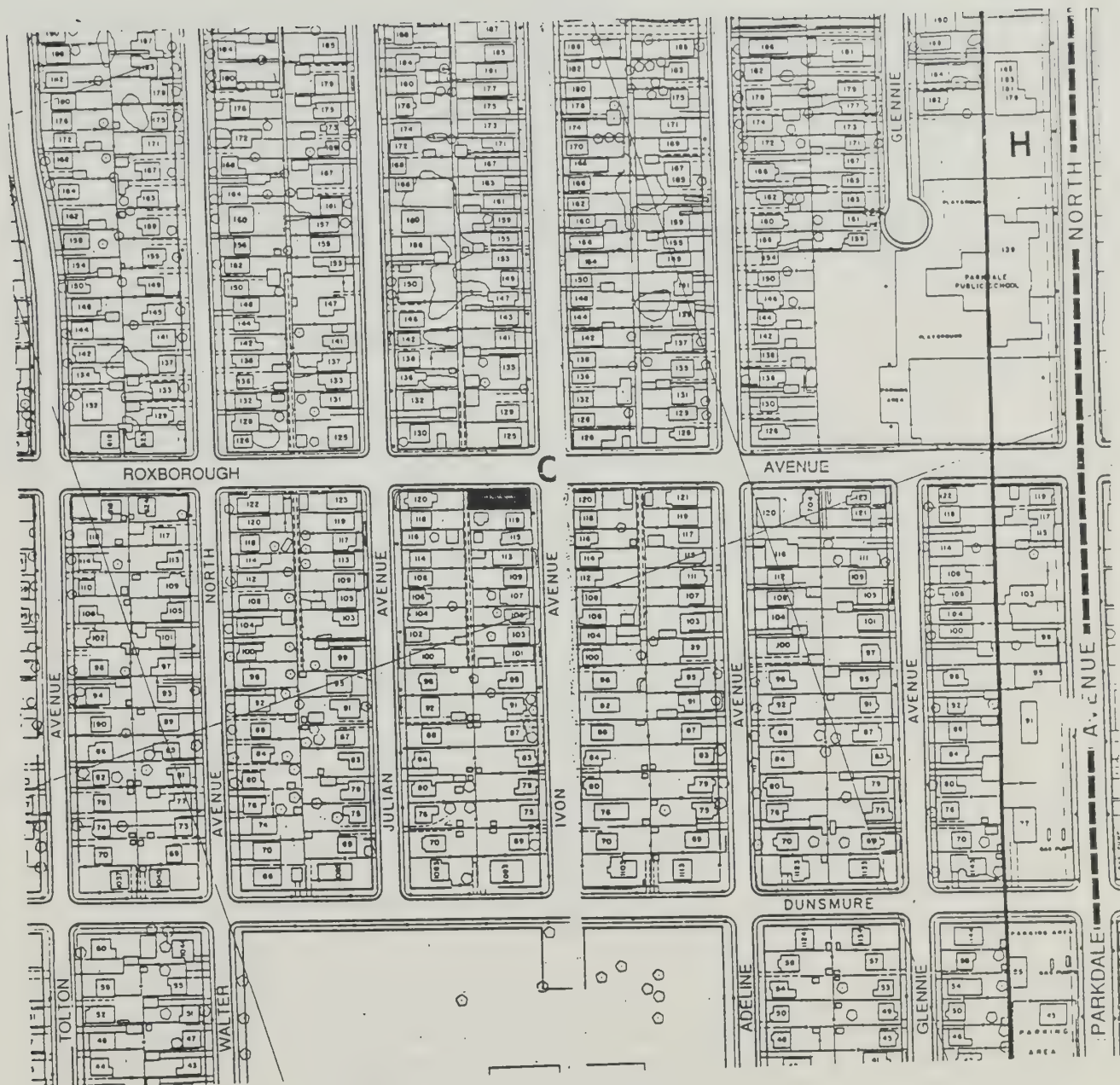
The subject lands are zoned "C" (Urban Protected Residential, etc.) District. A residential care facility having a maximum capacity of six residents is permitted within this zone. The applicant is requesting an increase in capacity to ten (10) residents, four (4) more than that permitted in the "C" (Urban Protected Residential, etc.) District. One of the primary goals of the Residential Care Facilities By-law is to provide the residents of such facilities with an opportunity to live in an environment that closely approximates a family situation. This proposal represents a 66.6% increase in the number of residents currently permitted (6 to 10 residents), in a "C" (Urban Protected Residential, etc.) District.

- Approval of this application would encourage other similar applications, which if approved, would undermine the intent of the Residential Care Facilities By-law.
 - The Department of Social Services has advised that there would not seem to be a need for additional beds in the system, in that there are approximately 213 vacant beds available as at the end of December 1992.
4. With respect to the applicant's submission (see Appendix "B"), while there are no other Residential Care Facilities within 180 m of this site, and the use is located within a former church building, from a planning perspective the occupancy of this facility cannot be restricted to seniors as it is not enforceable. In addition, the entire rear yard is proposed to be used for the four required parking spaces, which are substandard in width, and will result in the elimination of the outdoor amenity space available on site for use by the residents which is undesirable.

CONCLUSION:

On the basis of the foregoing, the application cannot be supported.

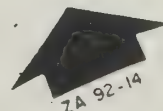
GAW/ma
WP9214



Legend



Site of the Application



IN THE MATTER OF an Application to the City of Hamilton to amend By-law No. 6593 to permit the occupancy of a residential care facility be increased from six to ten residents, by the owner, Rainy Gaglani, respecting the property located at 121 Ivon Avenue, Hamilton;

AND IN THE MATTER OF a hearing by the City of Hamilton Planning Committee on Wednesday, February 17, 1993 to consider the application for rezoning and make a recommendation the City Council.

AFFIDAVIT OF RAINY GAGLANI

I, RAINY GAGLANI, am the owner and manager of Parkdale Place, located at 121 Ivon Avenue, Hamilton, hereby MAKE OATH AND SAY as follows:

1. THAT I reside at R. R. No. 5, Hagersville, Ontario.
2. THAT:
 - (a) I, together with my wife, Judith Gaglani, am the owner of the residential care facility called Parkdale Place, located at 121 Ivon Avenue, Hamilton, since our purchase of it in 1987; and
 - (b) A City of Hamilton licence for 1993 has been issued for this property (see Exhibit "A" attached).
3. THAT prior to our purchase of 121 Ivon Avenue in Hamilton, the property was used as a Catholic Church with a daycare centre in the basement.
4. THAT at present there are five elderly and one mentally handicapped persons who are resident at Parkdale Place. The property is capable of accommodating ten residents with ten private bedrooms and one staff bedroom. The present residents do

not own automobiles or require any parking facilities (see Exhibit "B" attached).

5. THAT the names of the residents are attached hereto as Exhibit "C" and that the average age of the residents is 69.5 years (see Exhibit "C" attached).

6. THAT Parkdale Place is used exclusively for elderly and handicapped persons. There is a present market for residences for elderly persons and we have always had six residents at the property with a waiting list of applicants (see Exhibit "D" attached).

7. THAT Parkdale Place is advertised accordingly and is among the smaller licensed residential care facilities in the City of Hamilton (see Exhibit "E" attached).

8. THAT the City Director of Traffic Services requires four parking spaces to be provided on site (see Exhibit "F" attached). We presently have available four parking spaces on the property. We have removed the fence at the alleyway behind 121 Ivon Avenue (see Exhibit "G" attached).

9. THAT Parkdale Place occupies most of the lands at 121 Ivon Avenue and therefore has limited outdoor space for the residents to walk on the grounds. However, there are within walking distance of Parkdale Place, a number of facilities affording rest and recreation for the residents (see Exhibit "H" attached).

10. THAT in addition to the park and recreation facilities noted in the above paragraph, there are available within walking distance, the following medical, physiotherapy, and shopping facilities noted on Exhibit "I" (see Exhibit "I" attached).

11. THAT I provide recreational programs for the residents at Parkdale Place in keeping with their age and interests (see Exhibit "J" attached).

12. THAT the physical layout at Parkdale Place is as follows: ten bedrooms and one staff bedroom; all bedrooms are furnished and available to be used upon approval; a kitchen, recreation room, lounge room and dining room.

13. THAT there is twenty-four hour nursing care provided to the residents with medical care available as required.

14. THAT:

(a) Parkdale Place is located in a single family area which we submit is appropriate for this kind of facility. The nearest residential care facility is approximately one-half mile away;

(b) In Ward 4, there are only thirty-six beds with three residential care facilities to serve the needs of the Ward, including Parkdale Place.

15. THAT there are three staff available to meet the needs of the residents on a twenty-four hour basis.

16. THAT I have a van type vehicle capable of transporting the residents to various social and cultural functions and points of interest in the City.

17. THAT none of the staff working at Parkdale Place use a motor vehicle.

18. THAT on an average our monthly expenses exceed our monthly income from Parkdale Place and we believe that an increase of four residents would enable us to at least break even and maintain the residential care facility for the elderly persons needing it (see Exhibit "K" attached).

19. THAT I have obtained the consent of the neighbours in the area of Parkdale Place who are in favour of this application to the City. A total of 136 names have been acquired (see Exhibit "L" attached).

20. THAT I also own and operate a residential care facility at 58 Wellington Avenue North, Hamilton, accommodating ten elderly residents.

21. THAT I believe I am providing a valuable service to the community in maintaining Parkdale Place and wish to continue to do so, and therefore respectfully request the City Council to approve of the increase in the number of residents at Parkdale Place from six to ten.

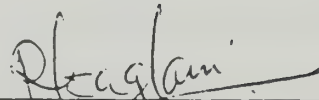
22. THAT I shall appear together with my solicitor at the Planning Committee meeting at the City Hall on February 17, 1993,

to support our application and to answer questions from the
Committee Members.

RESPECTFULLY SUBMITTED.

SWORN BEFORE ME at the City)
of Hamilton, in the Regional)
Municipality of Hamilton-)
Wentworth, this 5th day of)
February, 1943)


A Commissioner, etc.


RAINY GAGLANI

Copy sent to v. Abraham, Director of Local Planning, Planning Department, P. Noe Johnson, City Solicitor, Law Department, M. Main, Director of Traffic Services, Traffic Department, Alderman G. Copps, and Alderman D. Drury, Chairperson, Planning and Development Committee - 1993 February 15

ROSS & McBRIDE

BARRISTERS & SOLICITORS

9(a)

WILLIAM L. ROSS, K.C. (1890-1947)
DONALD M. MANN, Q.C.
ROBERT M. ORR
THOMAS D. ANGELO
JEFFREY R. MANISHEN
ROBERT B. MUNROE
RALPH W. BENEDICT
RALPH A. IONICO
EDWARD A. CANNING

ROBERT P. McBRIDE, Q.C. (1911-1965)
JAMES D. McKEON, Q.C.
W. GRAYDON SHEPPARD
PAUL D. PARADIS
KEVIN I. M. SMITH
JOHN S. HALL
MICHAEL C. BRUDER
JOANNE F. GUARASCI
JON-DAVID GIACOMELLI

CECIL W. ROBINSON, Q.C. (1929-1988)
RONALD T. JAMES
JAMES A. SWEETLOVE
PETER R. TICE
DAVID E. IVEY
DAVID V. FERGUSON
KENDRA M. COATS
JOHN E. ANDERSON

TELEPHONE (416) 526-9800
FACSIMILE (416) 526-0732

10TH-11TH FLOORS, COMMERCE PLACE
ONE KING STREET WEST

BRANTFORD
PAUL D. READ, Q.C.
ROBERT G. S. MCINTOSH, Q.C.
ALLAN C. MILLWARD
ENNIO TRIGNANI

ARTHUR L. BINKLEY, Q.C.
RICHARD L. VERITY, Q.C.
DAVID J. GREGORY

J. ARTHUR WYNN, Q.C.
MARVIN B. DABOLL, Q.C.
JOHN N. JONES

MAIL: P.O. BOX 907
HAMILTON, ONTARIO
L8N 3P6

COUNSEL DAVID GOLDBERG, Q.C.

RAYMOND M. PLANT, Q.C.

DIRECT DIAL

Our File: 40-63357

February 11, 1993

RECEIVED

FEB 15 1993

VIA TELECOPIER

Ms. T. Agnello
Planning & Development Dept.
The Corporation of the
City of Hamilton
City Hall
71 Main Street West
Hamilton, Ontario L8N 3T4

CITY CLERKS

Dear Sirs:

Re: R. Gaglani - Zoning Modification -
121 Ivon Avenue, Hamilton

Enclosed is a copy of the Affidavit of Mr. Rainy Gaglani with respect to the above matter.

Yours very truly,

ROSS & McBRIDE

A. Ross for:

R. M. Plant, Q.C.

RMP:sr

cc: - Mr. P. Mallard
- Ms. G. Copps
- Mr. D. Wilson
- Ms. N. Walsh
- Mr. R. Gaglani

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21. THAT I believe I am providing a valuable service to the community in maintaining Parkdale Place and wish to continue to do so, and therefore respectfully request the City Council to approve of the increase in the number of residents at Parkdale Place from six to ten.

22. THAT I shall appear together with my solicitor at the Planning Committee meeting at the City Hall on February 17, 1993,

to support our application and to answer questions from the
Committee Members.

RESPECTFULLY SUBMITTED.

SWORN BEFORE ME at the City)
of Hamilton, in the Regional)
Municipality of Hamilton-)
Wentworth, this 5th day of)
February, 1993)


A Commissioner, etc.

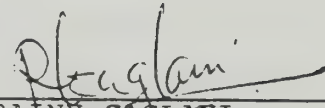

RAINY GAGLANI

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List of Recreation Facilities in Area	H
List of Medical, Physiotherapy, Shopping and Churches in Area	I
List of Recreation Programs Provided	J
Income and Expenses per Month, January 1992	K
Petition Signed by Neighbours of Applicant	L

"A" RES. 11
RECEIVED BY RAINY GAGLANI
CITY OF HAMILTON
February 1993
A. L. HAMILTON, LTD.



CITY OF HAMILTON LICENCE

LICENCE SUBJECT TO BY-LAWS GOVERNING SAME, AS MAY BE AMENDED.

LICENCE NUMBER	00101	REF. NO.	11205001019200
EXPIRY DATE	DEC. 31, 1993	LICENCE FEE	\$140.00
LICENCE TYPE	SECOND LEVEL LODGING HOUSE CAP 6.		

ISSUED
TO

PARKDALE PLACE
RAINY GAGLANI

*

121 IVON AVE
HAMILTON, ONT.
L8H 5S5

DATE PAID

CITY CLERK

LICENCE CERTIFICATE IS THE PROPERTY OF THE CITY OF HAMILTON

PLEASE DISPLAY LICENCE IN A PROMINENT LOCATION

FORM 565 BLP1





Parkdale Place
Rest Home
Telephone: (416) 544-4544

B
RAINS GAGLIANI
SHOWN BEHIND THE DOOR 52 OF
FEBRUARY 1993
A COMMISSIONER, ETC.

January 10, '93.

To Whom It May Concern:

We are the following residents and staff at the above address, do not own any automobiles or require any parking facilities.

<u>Name</u>	<u>Signature</u>
Mr. Arthur Mitchell	A. Mitchell
Mr. Fred Long	F. Long
Mr. Fernando Therian	F. Therian
Mr. Robert Weaver	R. Weaver
Ms. May Stewart	May Stewart
Ms. Ethyl Murray	Ethel Murray
Ms. Clair-a-ann Price	Clair
Ms. Gledus Stachura	G. Stachura

P.S. Bus stop, is at the front of the door. Some residents have D.A.R.T. service



Parkdale Place
Rest Home
Telephone: (416) 544-4544

THIS IS CERTIFICATE "C" PREPARED BY THE
AFFIDAVIT OF RAINO GAGLIARDI
SWORN BEFORE ME THIS 5th DAY OF
FEBRUARY 1993
A COMMISSIONER, ETC.

January 11, '93

Following are the residents name and approx. ages.

<u>Name:</u>	<u>Age:</u>
1. Mr. Robert Weaver	85 yrs.
2. Mr. Fred Long	47 yrs.
3. Mr. Fernando Therrian	77 Yrs.
4. Mr. Arthur Mitchell	66 yrs.
5. Ms. May Stewart	75 yrs.
6. Ms. Ethyl Murray	67 yrs.
	$417 \div 6 = 69.5 \text{ yrs.}$

EXHIBIT "D"

WAITING LIST OF APPLICANTS

Miss G. Hall
Suite 935
6021 Young Street
Toronto, Ontario
M2M M32

Mary Merrill
Apartment 206
565 Kingston Street
Hamilton, Ontario
L8K 1J9

Martha Ward
Apartment 618
690 Regency Court
Burlington, Ontario
L8N 3H7

Margaret Desardines
15 William Street North
Hamilton, Ontario

A. Carelse
84 Whitney Avenue
Hamilton

Dec 1993

CONTRACTED SECOND LEVEL LODGING HOME INFORMATION LIST

THIS IS A TRUE COPY OF THE AFFIDAVIT OF RAINA GAGLIARDI SWORN BEFORE ME THIS 10 DAY OF FEBRUARY 1993
A COMMISSIONER, ETC.

REGIONAL SOCIAL SERVICE WORKER
TELEPHONE
- Owen Emery - 546-2223
- Leslie Gibbons - -4809
- Lidia Petrunas - -4806
- Carmela Vidic - -2222
(Rev. 27.11.92)

ASSW	Phone No.	Second Level Lodging Homes	Address	Sex	Sub. Cap.	Lic. Cap.
L.P.	545-0446	ANKA REST HOME (Martin & Anka Tomljenovic)	43 London St. N. L8H 4B2	M	20	20
L.P.	544-4455	BALSAM LODGE (Laurie Duguay)	213-219-223 Balsam Ave. S. L8M 3B9	M/F	23	23
L.G.	545-9168	BEACH MANOR (Sheila Harris)	254-262 Beach Rd. L8L 4B2	M/F	40	40
L.P.	527-4476	BISSETT'S LODGE (Dan Bissett)	39 Stanley Ave. L8P 2K9	M/F	15	15
L.P.	529-3850	BORIS & DANICA LODGE #2 (Boris & Danica Dokic)	28 Burris St. L8M 2J3	M/F	21	21
O.E.	575-4788	BREEZY MEADOW RETIREMENT HOME (Knoll & Avril Gordon)	55 Deschene Ave. L9A 3J8		6	6
C.V.	547-2183	BROCK LODGE (Alfredo & Lee Rogano)	949 King St. E L8M 1C1	M/F	10	10
L.G.	529-0604	C -MORE'S VILLA #1 (Frederick & Gwynette Seymour)	60 West Ave. S. L8N 2S3	M/F	20	20
L.G.	523-8243	C -MORE'S VILLA #2 (Frederick & Gwynette Seymour)	182 Cannon St. W. L8R 2C1	M	10	10
L.P.	529-0506	CLARION RETIREMENT HOME (CLOSED)	120-124 Hunter W. L8P 1R1	M/F	24	24

185 Delaware

545-4619 Hazel. Ross

RSSW	Phone No.	Second Level Lodging Homes
O.E.	389-4200	HILLVIEW SENIORS RESIDENCE (Betty Taylor)
O.E.	544-7897	J & M RESTHOME (Doreen & Rupert Lynch)
C.V.	523-1102	JERELDAY LODGE (James & Eldres Ravarra)
L.G.	529-5424	KARL ROBERT MANOR (Harold & Mary Anne Matz)
L.G.	522-5420	KATHLEEN'S RESIDENTIAL CARE HOME (Kathleen Ward)
L.G.	524-3837	KATHLEEN'S RESIDENTIAL CARE HOME (Kathleen Ward)
C.V.	544-4889	KENSINGTON LODGE (Kenneth & Flora Richardson)
C.V.	628-6170	LABURNUM LODGE (Amelia Acierto)
O.E.	388-7362	LOTUS HOME (Sulekha Bagel)
L.P.	544-0884	MAIN EAST REST HOME (Martin & Anka Tomljenovic)
C.V.	544-9979	MAPLE LEAF MANOR (Anka Zivkovic)
L.P.	527-8078	MAXWELL'S RETIREMENT HOME (Regina Bagdonas)
L.P.	544-4668	MONTGOMERY LODGE (Ruza Kozar)
<O.E.	528-8889	PARKDALE PLACE (Judy & Rainy Gaglani)
L.G.	572-9722	PAT'S LODGING HOME (Betty Thomas)

Address	Sex	Sub. Cap.	Lic. Cap.
832 Concession St. L8V 1E2	M/F	53	60
849 Main St. E. L8M 1L8	M/F	14	14
418 Main St. E. L8N 1J9	M/F	24	24
809 King St. W. L8S 1K2	M.F.	18	18
255 Caroline St. S. L8P 3L6	M/F	9	9
153 George St. L8P 1E4	M/F	10	10
211 Kensington Ave.N. L8L 7N6	M	8	8
53 Park St. W. Dundas, L9H 1X3	M/F	12	16
12 Lotus Ave. L9C 2E5	M/F	10	10
939 Main' St. E. L8M 1M7	M/F	24	25
7 Blake St. L8M 2S4	M/F	24	40
274-280 Bay St. S. L8P 3J6	M/F	24	40
1605 Main St. E. L8H 1C4		15	24
< 121 Ivon Ave. > L8H 5S5		< 6	6
237 Herkimer St. L8P 2H8	M/F	9	9

RSSH Phone No. Second Level Lodging Homes

		<u>Address</u>	<u>Sex</u>	<u>Sub. Cap.</u>	<u>Lic. Cap.</u>
O.E.	522-3515	SUNRISE MANOR (Ina Edwards)	M/F	14	14
C.V.	521-9112	SUNSET RETIREMENT HOME (Veronica Jordan)	M/F	20	20
O.E.	528-8889	TRILLIUM PLACE REST HOME (Rainy & Judith Gaglani)	M/F	10	10
L.P.	523-5782	UNIVERSAL LODGE (Vernice Dalley)	M/F	20	20
O.E.	522-0579	VEROLEN'S REST HOME (Veronica Dunbar)	M/F	15	15
L.P.	525-3314	VICTORIA MANOR (Abella Mercedes)	M/F	24	30
L.P.	525-6864	Victoria Manor II (Abella Mercedes)	M	22	24
C.V.	522-4780	VILLA MARIA REST HOME (Maria Orozovic)	M/F	16	16
L.G.	522-9342	WELLINGTON LODGE (Paula Excell)	M/F	10	10
L.P.	546-0617	WENTWORTH PLACE (Shirley Weeks)	M/F	20	25
C.V.	547-1970	WHITE OAKS MANOR (Glenys Thornburg)	M/F	24	25
L.G.	528-6024	WHITES RESIDENTIAL CARE FACILITIES LODGE #1 (Maureen White)	M/F	9	9

SB:jk

lodging/mo-list/lh's.92

THE CORPORATION OF THE CITY OF HAMILTON

City Hall, 71 Main Street West, Hamilton, Ontario L8N 3T4

1992 April 24

Mr. V. J. Abraham, M.C.I.P.
Director of Local Planning
Planning and Development Department

Attention: Mr. Paul Mallard

Dear Sir:

Re: ZA-92-14
121 Ivon Avenue

PLANNING & DEVELOPMENT LOCAL PLANNING BRANCH				
FILE NO		APR 30 1992		
TO	STAFF	INIT	INFO.	ACT
	STAFF	sw	de	
	CART.			
	ADMIN.			

In response to your letter of 1992 March 19, please be advised that we have reviewed the above application and have the following comments:

This proposal requires four parking spaces to be provided on-site in order to meet the Zoning By-law requirements. Four parking spaces can only be accommodated on-site with access from the unassumed alley and with a substandard parking space width of 8.5 feet. While we would be prepared to accept this variance, it should be noted that, as a result, the majority of the backyard will be used as a parking area.

Should you require further information in regard to these comments, please contact sue Hayward at 546-4575.

Yours truly,

Murray F. Main, P. Eng.
Director of Traffic Services

RK/SH/ks

THIS IS EXHIBIT "F" REFERRED TO IN THE
AFFIDAVIT OF RAIN, CACALAN
SWORN BEFORE ME THIS 5th DAY OF
FEBRUARY 19 93.
Nymble
A COMMISSIONER, ETC.

THIS CERTIFICATE
 THE FIELD SURVEY
 BY THIS PLAN WAS
 MADE ON THE 20th DAY
 OF JANUARY 1993
 BY JOHN GATIANO

A-90:330

THIS IS EXHIBIT "G" REFERRED TO IN THE
 AFFIDAVIT OF RAINY GALANI
 SWORN BEFORE ME THIS 15th DAY OF
 FEBRUARY 1993
 A COMMISSIONER, ETC.

EXHIBIT

THIS IS EXHIBIT E REFERRED TO IN THE
 AFFIDAVIT OF R + J GALANI
 SWORN BEFORE ME THIS 15th DAY OF
 FEBRUARY 1993
 A COMMISSIONER, ETC.

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 PERMISSION OF MCKAY, MCKAY & PETERS
 LIMITED

MCKAY, MCKAY & PETERS
 LIMITED
 1000 10th Avenue
 Vancouver, B.C. V6Z 1A1



A-90 C

AFIDET RAINY GAGLIARDI
SWORN DEPOSED SE OF
February 1993.
A COMMISSIONER, ETC.

EXHIBIT "H"

RECREATIONAL FACILITIES WITHIN WALKING DISTANCE
OF 121 IVON AVENUE, HAMILTON

1. Winston Churchill Park
2. Winston Churchill Public Swimming Pool and Athletic Centre
3. Parkdale Area & Pool, 1770 Main St. East
4. Norman Hurst Community Centre
5. Guyway Lanes Bowling, 235 Melvin Avenue
6. Hungarian Unity Hall, Parkdale and Roxboro Streets

INVESTIGATION OF RAINY GALLANI
SHORTLY BEFORE THE DAY OF
February 1993.
A COMMISSIONER, ETC.

EXHIBIT "I"

MEDICAL, PHYSIOTHERAPY, AND SHOPPING FACILITIES
WITHIN WALKING DISTANCE OF 121 IVON AVENUE

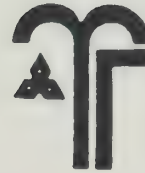
1. Physiotherapy Services, 280 Queenston Road
2. Parkdale Medical Centre
3. Parkdale Chiropractic, 52 Parkdale North
4. Parkdale Foodmart, 16 Parkdale North
5. Parkdale Fish & Chips, 64 Parkdale North
6. Parkdale Video, 210 Parkdale North

CHURCHES AVAILABLE IN THE AREA

1. Centermount Alliance Church, 708 Brucedale Ave. North
2. Mina's Coptic Orthodox Church, 480 Melvin Ave.
3. St. Eugene Catholic Church and Rectory, 232 Queenston Road
4. Fairfield United Church, 1475 Barton St. East
5. Pioneer Memorial United Church, 1475 King St. East

RECEIVED
FEBRUARY 1993
A COMMITTEE

SOCIAL AND RECREATION PROGRAMS:



OBJECTIVES:

- To provide residents with ideas and encouragement to participate in enjoyable leisure activities.
- To promote active, healthy, mental and physical activities during retirement.

RESOURCES AND IDEAS:

- Garden committee: Plan and maintain garden
- Social committee: Plan birthdays, theme parties, holidays.
- Shop committee: Projects e.g. build a picnic table, refinishing antiques, hobbies etc.
- Crafts and needlework: Learn a new skill or make things, sewing, knitting, macrame....
- Art appreciation: see a play, discuss a novel, poetry, learn to paint
- Discussion group: , current events, weekly topics, topics of concern and presentation

: WEEKLY OR SEMI-WEEKLY PROGRAMS:

- Barbeque or buffet or sunday brunch, invite guests (Open house)
- Films, documentaries, travel movies, video
- Birthdays, holidays, theme parties
- picnics, outings e.g. Botanical garden, centennial park, flea-market, restaurant, plays etc.
- A.M. Exercise: simple exercises to stimulate deep breathing, flexibility, isometrics in chair music and rhythm.
- Games and cards , dart
- Weekly potluck - volunteer prepares a favorite recipe or learns to make a favorite food, desert, entree, snack etc.



Parkdale Place
Rest Home
Telephone: (416) 544-4544

FILED "K"
AFFIDAVIT OF RAINY CAGLANI
SWORN BEFORE ME 5th
February 1993
A COMMISSIONER, ETC.

January 10, '92

Following is the breakdown of Income and Expenses per Month:

Income

Total # of residents: 6
Per diem income \$33.20
Monthly income per resident: \$996
Monthly income for the home:
6 x 996 = \$5976
Less 10% vacancy allowance
Gross Income: \$ 5379/mo.

Expenses

Wages for 3 staff members:	\$3600
Mortgage, C.I.B.C.	618
Food expenses	1050
Heat and Hydro	255
Linens and furnishings	65
Laundry and cleaning supplies	111
Property taxes	170
Gen. Maintenance and repair	90
Office expenses and phone	85
Auto, gad, repairs and Insc.	230
Home Insc, and Bus. liabilities	216
Activities for residents	135
C. of Hamilton Licence fees	15

Total Expenses:

\$ 6640

Income - expenses: (\$1261) Loss/month.



Parkdale Place
Rest Home
Telephone: (416) 544-4544

TWO IS EIGHTY L REFERRED TO IN THE
ATTENDANCE OF RAINY GAGLANI
SWORN BEFORE ME THIS 5th DAY OF
FEBRUARY 1993.
A COMMISSIONER, ETC.

RE: Second Level Lodging Home - 121 Ivon Avenue

We are the neighbours of Mr. Gaglani for past 3½ years.
We are in favour of an application to increase total number
of residents to 10.

Name	Address	Signature
Ruby Waller	119 Ivon Ave North	Ruby Waller
T. Garner	115 Ivon Ave	
C. Beaulne	113 Ivon ave	C. Beaulne
Mr. Eber	603 Ivon Ave	
D. Carretta	101 Ivon	D. Carretta
P. Lepine	95 Ivon ave	P. Lepine
W. Hagan	91 Ivon Ave	W. Hagan
J. George	96 Ivon Ave	John George
J. H. Davies	87 Ivon Ave	J. H. Davies
Marie Pileau	85 Ivon Ave	Marie Pileau
M. Smith	79 Ivon Ave	
S. Malt	103 Denmark	



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RE: Second Level Lodging Home - 121 Ivon Avenue

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We are in favour of an application to increase total number
of residents to 10.

Name	Address	Signature
C. Royer	70 Ivon Ave	C. Royer
A. Dragas	76 Ivon Ave	A. Dragas
J. Lymn	80 Ivon Ave	J. Lymn
A. Harte	Cassette 42 Fraser	A. Harte
Mirna Senado	100 Ivon Ave	Mirna Senado
W.C. Gordon	108 Ivon	W.C. Gordon
Bridgette Haulton	114 Ivon Ave N.	Bridgette Haulton
Patricia Burke	118 Ivon Ave	Patricia Burke
Deborah Biggley	126 Ivon Ave.	Deborah Biggley (Good Neighbour)
Bob Syell	136 Ivon Ave	Robert Syell
Alan	142 Ivon	Alan
K. Bayles	144 Ivon Ave	K. Bayles



Parkdale Place
Rest Home
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RE: Second Level Lodging Home - 121 Ivon Avenue

We are the neighbours of Mr. Gaglani for past 3½ years.
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of residents to 10.

Name	Address	Signature
Carmelita Moran	128 IVON AVE.	<i>[Signature]</i>
B. Mullin	132 IVON AVE	
R. Campbell	135 IVON AVE	<i>[Signature]</i>
S. Josefik	129 IVON AVE	<i>[Signature]</i>
JACK COLE	130 JULIAN	<i>[Signature]</i>
John Burrow	134 Lalian Ave.	<i>[Signature]</i>
Rita Burns	142 Julian	
Peter Kovalysoyev	146 Julian	<i>[Signature]</i>
M. Raminowski	156 JULIAN AVE	<i>[Signature]</i>
ERTEL	160 Julian Ave	<i>[Signature]</i>
N. Singan	166 Julian	<i>[Signature]</i>
J. Jaskula	174 Julian	<i>[Signature]</i>

121 Ivon Avenue

Hamilton, Ontario

L8H 1N1



Parkdale Place
Rest Home
Telephone: (416) 544-4544

RE: Second Level Lodging Home - 121 Ivon Avenue

We are the neighbours of Mr. Gaglani for past 3½ years.
We are in favour of an application to increase total number
of residents to 10.

Name	Address	Signature
C. Riley	150 Ivon Ave	C. Riley
R. Gottlieb	154 Ivon Ave.	R. Gottlieb
Nicholas Tracy	182 Ivon Ave	Nicholas Tracy
Bernie Smith	182 Ivon Ave	Mrs. Smith 544 8444
B. de Bighes	187 Ivon Ave	B. de Bighes
C. Boyd	185 Ivon Ave	C. Boyd
Frank J. Jackson	18 Ivon	A. F.
Sheryl Leves	177 Ivon Ave	Sheryl Leves
H. Agostini	175 Ivon Ave	H. Agostini
Joe	173 Ivon Ave	Joe
Phyllis Spang	149 Ivon Ave.	
C. Campbell	135 Ivon Ave	C. Campbell



Parkdale Place
Rest Home
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RE: Second Level Lodging Home - 121 Ivon Avenue

We are the neighbours of Mr. Gaglani for past 3½ years.
We are in favour of an application to increase total number
of residents to 10.

Name	Address	Signature
Jane Browne	180 Julian	J. Brown
Bark. Martin	188 Julian	B. Martin
S. J. Thorpe	193 Julian	S. J. THORPE
Dana Epitani	191 Julian	D. EPITANI
Judi. Stark	185 Julian Ave.	J. Stark
Christina Chikan	179 Julian	
Danith Chikan	121 Adeline Ave	D. Chikan
John. Lees	119 Adeline	John. Lees
Dolores Lind	111 Adeline	Dolores Lind
B. Fravale	115 Adeline.	B. Fravale
L. Stark	103 Adeline	L. Stark
C. H. L.	95 Adeline	C. H. L.

ES HOLLAND

121 Ivon Avenue

Hamilton, Ontario

L8H 1N1



Parkdale Place
Rest Home
Telephone: (416) 544-4544

RE: SECOND LEVEL LODGING HOME - 121 IVON AVENUE

We are the neighbours of Mr. Gaglani for the past 3½ years . Er are in
favour of an application to increase total number of residents to 10.

NAME	ADDRESS	SIGNATURE
WADE WATTS	69 Ivon	<i>Wade Watts</i>
A. Walker	112 Ivon Ave	<i>A. Walker</i>
KAPUR KISHOR	116 IVON AVE	<i>Kapur Kishor</i>
L Mateus	148 Ivon	<i>L Mateus</i>
J. Marmel	162 Ivon	<i>J. Marmel</i>
R. Sinanan	168 Ivon	<i>R. S.</i>
S. J. Allum	180 Ivon (Accom).	<i>S.J. Accom.</i>
Jamie Jacusur	192 Ivon	<i>Jamie Jacusur</i>
GREG BIRCH	198 Ivon	<i>GB</i>
<i>S. J. Soliver</i>	191 Ivon	<i>Sergio Soliver</i>
<i>R. C. Cury</i>	161 Ivon	<i>R. C. Cury</i>



Parkdale Place
Rest Home
Telephone: (416) 544-4544

RE: SECOND LEVEL LODGING HOME - 121 IVON AVENUE

We are the neighbours of Mr. Gaglani for the past 3½ years. We are in favour of an application to increase total number of residents to 10.

NAME	ADDRESS	SIGNATURE
Jane Levy	161 IVON	Jane Levy
P. Thorburn	155 IVON 155	P. Thorburn
H. Greenhalgh	117 Ivon Ave	H. Greenhalgh
V. Clapham	131 Ivon Ave.	V. Clapham
M. Nickerson	125 Ivon - ave	M. Nickerson
L. Lunn	173 Julian Ave	L. Lunn
P. O'Brien	197 Julian	P. O'Brien
William Ben	125 Julian Ave	William Ben
Ron Holling	147 Ivon Ave	Ron Holling
et. Ringell	157 Julian	et. Ringell
John Whittaker	155 Julian Ave	JOHN L. WHITTAKER



Parkdale Place
Rest Home
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Re: SECOND LEVEL LODGING HOME- 121 IVON AVENUE

We are the neighbours of Mr. Gaglani for the past 3½ years. We are in favour of an application to increase total number of residents to 10.

NAME	ADDRESS	SIGNATURE
KATHKINE CHANSON	153 Julian Ave.	[Signature]
Florence Crook	147 Julian Ave.	F. Crook
John Crook	147 Julian Ave.	John A. Crook
Fiona Bryce	137 Julian Ave.	Fiona Bryce
Bernard Conley	131 Julian Ave.	Bernard Conley
G. Price	121 Ivon Ave.	G. Price
[Signature]	118 Julian Ave. N	Dyngudani
[Signature]	116 Julian St.	[Signature]
[Signature]	1085411A	Mr. Gonatysyn
S. Baker	106 Julian	[Signature]
S. Oberst	102 Julian	[Signature]
S. Bernbank	100 Julian	[Signature]

121 Ivon Avenue

Hamilton, Ontario

L8H 1N1



Parkdale Place
Rest Home
Telephone: (416) 544-4544

Re: SECOND LEVEL LODGING HOME- 121 IVON AVENUE

We are the neighbours of Mr. Gaglani for the past $3\frac{1}{2}$ years. We are in favour of an application to increase total number of residents to 10.

NAME	ADDRESS	SIGNATURE
BIELECKE	84 JULIAN AVE.	u. Bielecke
E BASWICK	80 JULIAN	E Baswick
B. McBRIDE	69 JULIAN AVE	B. McBride
C. BATTILANA	75 Julian Ave	C. Battilana
M. Borrelli	79 Julian Ave	M. Borrelli
F. Borrelli	79 Julian Ave	F. Borrelli
J. Mazepa	87 JULIAN AVE	J. Mazepa
E. LOBSINGER	95 JULIAN AVE	E. Lobsinger
J. Little	117 Julian Ave	Mrs J. Little
J. Loe	119 Julian Ave	J. LOXE
L. Wunderlich	120 Ivon Ave	
A. AITKEN	121 Ivon Ave	



Parkdale Place
Rest Home
Telephone: (416) 544-4544

RE: Second Level Lodging Home - 121 Ivon Avenue

We are the neighbours of Mr. Gaglani for past 3½ years.
We are in favour of an application to increase total number
of residents to 10.

Name	Address	Signature
Jennie metcalfe Jennie metcalfe JOE LENTINAS	184 Adeline Ave 150 ADELINE AVE	Jennie metcalfe Joe Lentinas
Laurito Amer.	134 Adeline St	
B. Jambur	156 Adeline Ave	B. Jambur
F. GAROFALO	162 ADELINE AVE	F. Garofalo
KEN COLES	172 Adeline Ave.	Ken Coles
ARTHUR GILNERS	185 ADELINE AVE	Arthur Gilners
J. Shamu	183 Adeline Ave.	J. Shamu
GALL	175 ADELINE	G. Gall
COLE	171. ADELINE	D. Cole
B. GUSPODARYK	165 ADELINE	B. Guspodaryk



Parkdale Place
Rest Home
Telephone: (416) 544-4544

RE: SECOND LEVEL LODGING HOME- 121 IVON AVENUE

We are the neighbours of Mr. Gaglani for the past $3\frac{1}{2}$ years. We are in
favour of an application to increase total number of residents to 10.

NAME	ADDRESS	SIGNATURE
HERICOW Mrs.	91 Adeline	
BRIDGEMAN LAWRENCE	83 ADELINE AVE	Brian Lawrence
MURRAY BOB	75 ADELINE AVE	Russell Bott
BJ NORTON	69 ADELINE	BJ Norton
L. CHANZ	70 Adeline	L. Chanz
P. STANFORD	88 ADELINE	P. Stanford
Smith	92 ADELINE	Mrs. Smith
Leone	96 Adeline	Leone
(Collins) Collins	116 Adeline	L. Collins
Jamie Peretto	126 Adeline	JAMIE PERETTO
Ann Ritz	130 Adeline	Ann Ritz
LYNN GILLESPIE	142 Adeline	Lynn Gillespie

121 Ivon Avenue

Hamilton, Ontario

L8H 1N1



Parkdale Place
Rest Home
Telephone: (416) 544-4544

RE: SECOND LEVEL LODGING HOME - 121 IVON AVENUE

We are the neighbours of Mr. Daglani for the past $3\frac{1}{2}$ years. We are in favour of an application to increase total number of residents to 10.

(PRINT) NAME	ADDRESS	SIGNATURE
W.R. Burtman	155 Adeline	W.R. Burtman
J. Ireland	149 Adeline	J. Ireland
H. Capron	141 Adeline	H. Capron
L. May	135 Adeline	L. May
Mrs Aline Miller	129 Adeline	Aline Miller

121 Ivon Avenue

Hamilton, Ontario

L8H 1N1



Parkdale Place
Rest Home
Telephone: (416) 544-4544

Re: Second Level Lodging Home- 121 Ivon Avenue

We are the neighbours of Mr. Gaglani for the past 3½ years .

We are in favour of an application to increase the total number of residents to 10.

NAME	ADDRESS	SIGNATURE
Daron Boyd	138 Adeline Ave	Daron Boyd
Erika Boyd	138 Adeline Ave	E Boyd
BOB GREEN	146 Adeline Ave	Robert Green
V. Amos	154 Adeline Ave	V. Amos
W. Bayliss	160 Adeline Ave	W. Bayliss
Susan Lila	178 Adeline Ave	Susan Lila
John Bacon	159 Adeline Ave	John Bacon
Linda Batare	137 ADELINe AVE.	Linda Batare
E. Davis	99 Adeline Ave.	Eileen Davis
EVOK	70 Adeline Ave	Evok
A. Lloyd	120 Adeline Ave	A. Lloyd

IN THE MATTER OF an Application
to the City of Hamilton to amend
By-law No. 6593 to permit the
occupancy of a residential care
facility be increased from six to
ten residents, by the owner,
Rainy, respecting the property
located at 121 Ivon Avenue,
Hamilton;

AND IN THE MATTER OF a hearing by
the City of Hamilton Planning
Committee on Wednesday, February
17, 1993 to consider the
application for rezoning and make
a recommendation the City
Council.

AFFIDAVIT OF RAINY GAGLANI

ROSS & McBRIDE
Barristers & Solicitors
One King Street West
P. O. Box 907
Hamilton, Ontario
L8N 3P6

(416) 526-9800
R. M. Plant, Q.C.

Solicitor for Rainy Gaglani

170 Sep 23 1992
- tabled
RECEIVED 10.
SEP 16 1992

CITY OF HAMILTON

- RECOMMENDATION -

CITY CLERKS

DATE: 1992 September 15
ZA-92-08
Bartonville Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: Request for changes and modifications in Zoning - No. 1907 King Street East.

RECOMMENDATION:

- A. That approval be given to Zoning Application 92-08, Faith Evangelical Lutheran Church of Hamilton, owner, requesting changes in zoning from "C" (Urban Protected Residential, etc.) District to "DE-3" (Multiple Dwellings) District modified (Block "1") and to "H" (Community Shopping and Commercial, etc.) District modified (Block "2"), and for a modification to the "H" (Community Shopping and Commercial, etc.) District (Block "3"), to permit development of the rear portion of the subject lands for a three (3) storey, 32 unit senior citizen's non-profit multiple dwelling (apartment building) in conjunction with the existing church, for property located at No. 1907 King Street East, as shown on the attached map marked as APPENDIX "A", on the following basis:
- i) That Block "1" be rezoned from "C" (Urban Protected Residential, etc.) District to "DE-3" (Multiple Dwellings) District;
 - ii) That Block "2" be rezoned from "C" (Urban Protected Residential, etc.) District to "H" (Community Shopping and Commercial, etc.) District;
 - iii) That the "DE-3" (Multiple Dwellings) District regulations as contained in Section 10C of Zoning By-law No. 6593, applicable to Block "1", be modified to include the following variances as special requirements:
 - a) That notwithstanding Section 10C(3)(i)(b) of Zoning By-law No. 6593, a front yard of a depth of at least 4.5 m shall be provided and maintained;

- b) That notwithstanding Section 10C(3)(ii)(b) of Zoning By-law No. 6593, a westerly side yard of a width of at least 4.0 m shall be provided and maintained;
 - c) That Section 10C(3)(iii)(b) of Zoning By-law No. 6593, shall not apply;
 - d) That notwithstanding Section 10C(5) of Zoning By-law No. 6593, no building or structure shall have a gross floor area greater than 2,750 m², and thirty two (32) dwelling units;
 - e) That notwithstanding Section 10C(6) of Zoning By-law No. 6593, a minimum landscaped area of 997.0 m² shall be provided and maintained on the lot;
 - f) That notwithstanding Section 18.(3)(vi)(cc)(iii) of Zoning By-law No. 6593, a balcony may project into the required westerly side yard not more than 2.0 m;
 - g) That Section 18A(1)(c) of Zoning By-law No. 6593 shall not apply;
 - h) That Section 18A(25) of Zoning By-law No. 6593 shall not apply; and
 - i) That a visual barrier not less than 1.2 m and not more than 2.0 m in height shall be provided and maintained along the entire westerly, easterly and northerly lot lines, except for any area used for driveway access;
 - iv) That the "H" (Community Shopping and Commercial, etc.) District regulations as contained in Section 14 of Zoning By-law No. 6593, applicable to Blocks "2" and "3", be modified to include the following variance as a special requirement:
 - a) That Section 14.(3)(iii)(c) of Zoning By-law No. 6593 shall not apply;
 - v) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-66 be notated S- ;
 - vi) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-66 for presentation to City Council; and
 - vii) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.
- B. That By-law No. 79-275 as amended by By-law 87-223 be amended by adding Blocks "2" and "3" to Schedule "A".

EXPLANATORY NOTE:

The purpose of the By-law is to provide for changes in zoning from "C" (Urban Protected Residential, etc.) District to "DE-3" (Multiple Dwellings) District modified (Block "1") and to "H" (Community Shopping and Commercial, etc.) District modified (Block "2"), and for a modification to the "H" (Community Shopping and Commercial, etc.) District (Block "3") for property located at No. 1907 King Street East, as shown on the attached map marked as APPENDIX "A".

The effect of the by-law is to permit development of Block "1" for a three (3) storey, 32 unit senior citizen's non-profit multiple dwelling (apartment building), in conjunction with the existing church (Blocks "2" and "3").

In addition, the By-law provides for the following variances as special requirements:

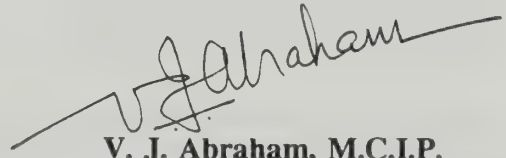
Block "1" (Seniors' Apartment Building)

- To require a minimum front yard (ie. Weir Street) of a depth of at least 4.5 m, whereas 6.18 m is required;
- To require a minimum westerly side yard of a width of at least 4.0 m, whereas 10.76 m is required;
- To eliminate the requirement of a rear yard, whereas 3.0 m is required;
- To allow a maximum gross floor area ratio of 1.04 (2,750 m²) and thirty two (32) dwelling units, whereas a ratio of 0.9 (2,389.68 m²) is permitted;
- To require a minimum landscaped area of 997.0 m² (37.5%) to be provided and maintained on the lot, whereas 663.8 m² (25%) is required;
- To allow balconies to project into the required westerly side yard not more than 2.0 m, whereas 1.0 m is permitted;
- To eliminate the requirement that one 3.7 m x 18.0 m x 4.3 m loading space be provided;
- To eliminate the requirement that the access driveway for the apartment building must be located at least 3.0 m away from the adjacent "C" (Urban Protected Residential, etc.) District; and
- To require that a visual barrier 1.2 m to 2.0 m in height shall be provided and maintained along the entire westerly, easterly and northerly lot lines, except for driveway access, whereas a visual barrier is only required adjacent to the parking area, along the easterly lot line.

Blocks "2" and "3" (Existing Church)

- To eliminate the requirement of a rear yard for the existing church building, whereas 4.5 m is required.

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department


V. J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

It is the applicants intention to construct a three (3) storey, 32 unit senior citizen's non-profit apartment building, as an addition to the rear of the existing church (see Appendix "B"). It is also intended to apply to the Regional Land Division Committee to sever the subject lands, to create separate lots for the church and for the seniors' apartment building.

Although the Zoning By-law does not require parking for a church, 17 parking spaces will be provided on site for the church use. A total of 40 parking spaces will be provided on site for the seniors' apartment building, 11 of which will be provided on the surface and 29 of which will be provided in an underground parking garage. A loading space will also be provided in the underground garage. Further, the required visitor parking (8 spaces) will be provided on the surface and will only have access via King Street, through the church lot. The Weir Street access is only intended for use by tenants of the apartment building, who will be parking in the underground garage. Separate pedestrian entrances to the apartment building will be provided for both the King Street and Weir Street accesses.

- Neighbourhood Meetings

On August 15, 1992, a neighbourhood information meeting was held by the applicant at the Faith Lutheran Church. The following is a summary of concerns/topics discussed at the meeting:

- adequacy of water and sewer services;
- parking and traffic generation;
- rezoning process and public notification;
- proposed By-law variances;
- property taxes;
- garbage collection;
- municipal address for the apartment building;
- buffering (ie. fencing); and,
- height, bulk and architectural style of the proposed apartment building.

In addition, a neighbourhood meeting will be held by the Ward Alderman to discuss the proposal on September 17, 1992.

APPLICANT:

Faith Evangelical Lutheran Church of Hamilton, owner.

LOT SIZE AND AREA:

Block "1"

An irregular shaped parcel of land having:

- 16.7 m (55.0') of lot frontage on Weir Street South;
- an average lot depth of approximately 70.0 m (229.65'); and
- a lot area of 2,655.2 m² (28,581.27 sq. ft.).

Blocks "2" and "3"

An irregular shaped parcel of land having:

- 57.017 m (187.06 ft.) of lot frontage on King Street East;
- an average lot depth of approximately 39.95 m (131.09'); and,

- a lot area of 2,138.7 m² (23,021.53 sq. ft.) of lot area.

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	church and a single-family dwelling	"C" (Urban Protected Residential, etc.) District and "H" (Community Shopping and Commercial, etc.) District
<u>Surrounding Lands</u>		
to the north	single-family dwellings	"C" (Urban Protected Residential, etc.) District
to the south	Shopping Centre	"G-1" (Designed Shopping Centre) District
to the east and west	Commercial/residential and single-family residential uses	"H" (Community Shopping and Commercial, etc.) District and "C" (Urban Protected Residential, etc.) District

OFFICIAL PLAN:

The subject lands are designated "RESIDENTIAL" (Block "1") and "MAJOR INSTITUTIONAL" (Blocks "2" and "3") on Schedule "A" Land Use Concept of the Official Plan.

The following policies, among others, apply to the proposal:

- "A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.

- A.2.1.8 It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2.
- A.2.1.14 In evaluating the merits of any proposal for multiple-family RESIDENTIAL development, Council will be satisfied that the following considerations are met:
- i) The height, bulk and arrangement of buildings and structures will achieve harmonious design and integrate with the surrounding areas; and,
 - ii) Appropriate open space, including landscaping and buffering, will be provided to maximize the privacy of residents and minimize the impact on adjacent lower-density uses.
- C.7.1 In the development of new RESIDENTIAL areas and, as far as practicable, in the infilling or redevelopment of established areas, Council may undertake or require the following in order to achieve high standards of RESIDENTIAL amenity:
- i) Provision and maintenance of adequate off-street parking;
- C.7.2 Varieties of RESIDENTIAL types will not be mixed indiscriminately, but will be arranged in a gradation so that higher-density developments will complement those of a lower density, with sufficient spacing to maintain privacy, amenity and value.
- C.7.3 Council will ensure that the local RESIDENTIAL ENVIRONMENT is of a condition and variety satisfactory to meet the changing needs of area residents. Accordingly, Council will:
- iii) Encourage RESIDENTIAL development that provides a range of types and tenure to satisfy the needs of the residents at densities and scales compatible with the established development pattern;
 - iv) Encourage the responsible public agencies to provide low-cost and/or senior citizen housing at appropriate locations throughout the City.
- A.2.6.1 The primary uses permitted in the areas exceeding .4 hectare in size designated on Schedule "A" as MAJOR INSTITUTIONAL, will consist of cultural facilities, health, welfare, educational, religious, and governmental activities and related uses."

The proposal complies with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

A Neighbourhood Plan is not available for the Bartonville Neighbourhood.

COMMENTS RECEIVED:

- The Building Department has advised that:
 - "1. The minimum front yard for King Street East is 5.185 m. The minimum front yard for Weir Street South must be 6.18 m at the closest point of the building. The minimum side yards for the residential component is 10.76 m, and the minimum rear yard is 3.0 m. A minimum rear yard of 4.5 m is required for the church.
 2. The maximum gross floor area for the multiple dwelling shall be 2389.68 m² (shown is 2750.0 m²).
 3. A total of forty (40) parking and manoeuvring spaces shall be provided and with eight (8) of the forty (40) spaces marked as "VISITOR PARKING". Each parking space shall be 2.7 m x 6.0 m in size with an additional 6.0 m manoeuvring space.
 4. One (1) loading space with sufficient manoeuvring space to be provided on the lot. The loading space is to be 3.7 m x 18.0 m x 4.3 m in size.
 5. All parking areas shall be 1.50 m from the residential "C" district boundary.
 6. The boundary between the parking area and residential district shall provide and maintain a 1.5 m planting strip along the portion of the easterly side lot line that abuts the residential "C" district.
 7. A 1.2 m to 2.0 m visual barrier to be provided along the easterly boundary line.
 8. A minimum of a 5.50 m width access driveway shall be provided for the King Street East and Weir Street South access driveways.
 9. The access driveway at Weir Street South must be a minimum of 3.0 m from the "C" district.
 10. The parking area shall be paved and drained.
 11. A minimum of 663.80 m² of landscaped area is to be provided entirely in the "DE-3" district.
 12. A demolition permit is required for 118 Weir Street South.

13. A balcony may project into a required side yard and rear yard not more than 1.0 m.
14. The overhead door on the north end of the building must be 4.3 m high."

• The Traffic Department has advised that:

- "1. We recommend that the entire site (the existing church as well as the proposed apartments) be placed under Site Plan Control.
2. A loading space, although not meeting all zoning by-law requirements with respect to aisle widths etc., will be provided in the underground parking area adjacent to the elevators. On this basis, we have agreed to the elimination of the by-law required loading space.
3. We recommend that the driveway slope from King Street be changed to a maximum 5 percent grade for the first 7.5 metres. The applicant has advised that physical site constraints may dictate the final driveway grade.
4. The applicant has advised that the severance line between the church and the proposed multiple dwelling properties is not yet on title. Once established, legal access will have to be guaranteed to the residents of the apartments.
5. The garage entrance does not align properly with Weir Street on the Level 1 Plan. However, we would be prepared to address this issue in the Development Application Stage.
6. The revised plans dated 1992 September 02, now show 29 underground and 11 ground level parking spaces. We support these latest parking provisions."

• The Hamilton Wentworth - Roads Department has advised that:

"There are public watermains and combined storm and sanitary sewers available to service these lands.

There are no further road allowance widenings required at this time. In the absence of any details shown, we advise that any work which may occur within the adjacent road allowance must conform to the City of Hamilton and Region's Roads Use By-law.

We recommend that the entire site be developed through site plan control to address all matters relating to setbacks, grading, access width and location, fencing, landscaping, etc.

Apparently the existing driveway to King Street is relatively steep and we advise that the grade of the access not exceed 3% in the road allowance, and 5% for the first 7.5 m on private property and a maximum grade of 10% thereafter.

The closed board fence should be recessed a minimum of 3.0 m from the King Street road allowance. Details on fencing at the Weir Street access will be provided at such time as detailed plans are submitted for our review.

It would appear from our plans that there is a driveway from Weir Street to King Street which may have been used for through vehicular traffic. Therefore, the church should ascertain at this time whether any residents may have prescriptive rights for access over these lands."

- The Hamilton Region Conservation Authority has no comments or objections.

COMMENTS:

1. The proposal complies with the intent of the Official Plan.
2. The proposal to establish a thirty-two (32) unit senior citizen's apartment building at the rear of the existing Faith Evangelical Lutheran Church has merit and can be supported for the following reasons:
 - it implements the intent of the Official Plan to provide senior citizen housing at appropriate locations throughout the City;
 - it would be compatible with established development in the surrounding mixed use area, which is comprised of one and two-family dwellings, churches, retail stores, offices, and other neighbourhood amenities;
 - it represents an infill residential development, which is in keeping with Council's Housing Intensification Strategy;
 - it will increase the supply of affordable housing, in keeping with the Provincial Housing Policy Statement on Land Use Planning for Housing; and
 - it is appropriately situated adjacent to a major arterial road (King Street East) and is within close proximity to amenities such as: shopping facilities; social services; cultural and recreational facilities; and public transit (route 5).
3. Based upon a preliminary site plan (see Appendix "B") approval of the application would require the following by-law variances:

- Yards

Front Yard

The minimum front yard proposed for the apartment building is 4.5 m, whereas 6.18 m is required. On the basis that the subject lands are irregular in shape and the front yard varies from approximately 4.5 m at the west side of the building to approximately 8.8 m at the east side (providing an average front yard depth of approximately 6.6 m), the variance can be supported.

Westerly side yard

The minimum westerly side yard proposed for the apartment building is 4.0 m, whereas 10.76 m is required. Because of the limited street frontage onto Weir Street, a portion of the front yard is technically considered to be a side yard. As such, the majority of the west side yard is actually 6.0 m in width. Further, the westerly side yard adjoins a vacant strip of land approximately 17.0 m wide, currently owned by Holy Cross Church and used for open space purposes. As well, the proposed building would be set back at least 30.0 m from the nearest single-family dwellings fronting onto Tragina Avenue South. On the basis of the foregoing, the requested variance can be supported.

For the information of the Planning and Development Committee, the applicant has advised it investigated purchasing the adjoining strip of land from Holy Cross Church, however the church did not want to sell the lands.

Rear yards

Since the existing church and the proposed apartment building are to be attached, but each use will be on a separate lot, the proposal will necessitate variances to eliminate the rear yard requirements for both buildings (4.5 m "H" District and 3.0 m "DE-3" District). As both buildings will appear to be one structure and will function as a comprehensive development, the requested variance can be supported. Further, technically, the severance is required primarily for mortgage purposes.

- Density

The "DE-3" District regulations permit a maximum floor area ratio of 0.90. In this regard, the maximum permitted gross floor area would be 2,389.68 m². The proposed apartment building will require a variance to allow a gross floor area of 2,750.0 m² (a floor area ratio of 1.04). The requested variance is considered to be minor in nature and can be supported.

- Landscaping and Visual Barriers

To ensure adequate open space and buffering is provided, special requirements will require 37.5% of the lot area to be landscaped, as proposed, and 1.2 m to 2.0 m high visual barriers to be provided along the entire westerly, easterly and northerly lot lines (except driveway access).

- Balcony Projection

Maximum balcony projections of 2.0 m are proposed into the required westerly side yard for the proposed apartment building, whereas the zoning by-law only permits 1.0 m. The requested variance can be supported on the basis that it will establish uniform balcony sizes for the entire building. Furthermore, since the proposed apartment building is for senior citizens, they are likely to make greater use of this amenity space for leisure activities.

- Loading Space

The loading space for the apartment building will be provided in the driveway aisle of the underground parking garage, which does not meet By-law regulations. The Traffic Department has indicated that they can support the requested variance.

- Location of access driveway

The access driveway proposed from Weir Street to the underground parking garage is located within 0.0 m of the adjoining "C" (Urban Protected Residential, etc.) District, whereas it is required to be setback a minimum of 3.0 m. However, the subject lands are an anomaly, because they have limited street frontage onto the "stub end" of Weir Street. The "stub end" of Weir Street is the only possible location for vehicular access. On this basis, the proposed variance can be supported.

4. It should be noted that 11 of the required parking spaces for the apartment building will have access over the church lot. As such, in accordance with Section 18A(21)(c) of Zoning By-law No. 6593, a legal right-of-way must be established for the access. This should be done when the property is severed.
5. The "DE-3" (Multiple Dwellings) District is subject to Site Plan Control (Block "1"). However, the "H" (Community Shopping and Commercial, etc.) District is not subject to Site Plan Control (Blocks "2" and "3"). Since the proposal will be developed on a comprehensive basis, and access to a portion of the required parking for the apartment building will be over "H" District lands, Blocks "2" and "3" should be placed under Site Plan Control. In this regard, matters such as access, parking, landscaping, grading, etc. can be reviewed.

CONCLUSION:




On the basis of the foregoing, the application can be supported.

GAW/CL-M

ZA9208



Legend

- BLOCK 1**  Change in zoning from "C" (Urban Protected Residential, etc.) District to "DE-3" (Multiple Dwellings) District, modified.
- BLOCK 2**  Change in zoning from "C" (Urban Protected Residential, etc.) District to "H" (Community Shopping and Commercial, etc.) District, modified.
- BLOCK 3**  Modification to the "H" (Community Shopping and Commercial, etc.) District regulations.

ZA-92-08

APPENDIX A

11.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1993 February 25

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. D. W. Vyce
Director of Property

Mr. D. Lobo
Director of Public Works

SUBJECT: Agreement between the City of Hamilton, Canadian
Pacific Limited and Glendale Realty Holdings Limited
to Use a Portion of C.P. Land for Truck Access - East of
Glendale Avenue North - Crown Point West Neighbourhood

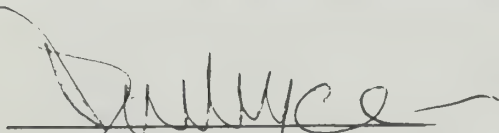
RECOMMENDATION:

- a) That an Agreement between Canadian Pacific Limited and The Corporation of the City of Hamilton and Glendale Realty Holdings Limited, authorizing the City and Glendale to use a portion of C.P. lands lying east of Glendale Avenue North between Primrose Avenue and Barton Street, as shown cross-hatched on the attached plan, to provide truck access to Glendale Spinning Mills, for a period of Ten Years, commencing on March 1, 1993, subject to termination by any party giving ninety (90) days' written notice of termination to the other parties without liability for damages or compensation by reason of such termination, at an annual rental of \$815 per year for the initial five (5) years of the term and \$1,200 per year for years six (6) to ten (10), be approved, with the costs charged to Account No. 5740 52010 (General Maintenance, Railway Crossings).


This agreement is subject to the following condition:

- i) C.P. making certain changes to its trackage to accommodate the occupation by the City of the Access Lands with the City being responsible for all costs associated thereto.
- b) That an Agreement between Glendale Realty Holdings Limited and The Corporation of the City of Hamilton, regarding the use of C.P. lands being occupied, in order to minimize the use of Primrose Avenue and Glendale Avenue by trucks, be approved.

- c) That the Mayor and City Clerk be authorized to execute all necessary agreements.



D. W. Vyce
Director of Property



D. Lobb
Director of Public Works

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

- a) Ongoing costs for the signal lights at Primrose Avenue total \$2,808/year and leasing costs total \$815/year for years 1-5, increasing to \$1,200/year for years 6-10. Funds are available in Account No. 5740 52010 (General Maintenance, Railway Crossings).
- b) With regard to the requirement for Ontario Municipal Board approval for the ten (10) year lease, the Law Department has advised us that this is no longer required due to a new Provincial Regulation under the Municipal Act, which came into force as of January 1, 1993. This is because the financial obligations being assumed by the City under this Agreement and the lease, together with the other annual financial obligations of the City, are within the limits permitted by the new Provincial Regulation.
- c) The \$70,000. total cost of the Works is made up of \$50,000 for track re-location, \$20,000. for surface treatment, and is to be charged to Account CF 5200 428902002 Crown Point West/Stipeley Phase II Pride Programme.

BACKGROUND:

On April 14, 1992, City Council authorized the Director of Property to negotiate a ten (10) year lease with C.P. Rail to provide a truck access route for Glendale Spinning Mills warehouse at Barton Street through part of their rail line. Further, that as a condition by Glendale Spinning Mills of their full participation in the resolution of the truck access issue, the City stop-up, close and sell a portion of Belview Avenue just south of Barton Street. Authorization was also received to allocate funds from the Crown Point West/Stipeley Phase II P.R.I.D.E. Programme in the amount of \$70,000 to carry out this work (\$50,000. for truck relocation and \$20,000. for new surface treatment) and the Law Department was authorized to apply to the Ontario Municipal Board for approval of this ten (10) year lease.

Pursuant to this, the Property Department, the Public Works Department and the Law Department have been involved in ongoing negotiations with C.P. Rail to come to an agreement regarding the contents of the ten (10) year lease. The lease attached as Schedule "A" contains all of the conditions that C.P. Rail requires which may not be amended. After

With regard to the stopping-up, closure and sale of a portion of Belview Avenue to Glendale Spinning Mills, the President of the Spinning Mills, Mr. David Hamby, has advised that they will no longer pursue the purchase of this portion of land. Therefore, this is no longer a condition of Glendale Spinning Mills participation in the resolution of the truck access issue.

The Crown Point West/Stipeley Phase II P.R.I.D.E. Programme must be completed by March 30, 1993. This requirement by the Ministry of Municipal Affairs, Community Development Branch necessitates that the City of Hamilton commit the \$70,000 as authorized by Council prior to March 30, 1993.

At the April 14, 1992 Council proceedings, a recommendation was also passed that all of the approvals by Council were subject to public hearings on the issues. Pursuant to that, the Planning and Development Committee held a public meeting on October 7, 1992, and heard from members of the local community as well as Mr. D. Hamby, the President of Glendale Spinning Mills. It appears that Glendale Spinning Mills have attempted to meet the concerns of the neighbourhood residents and is attempting to improve the ongoing relationship between the residential community and the Spinning Mills.

We, therefore, recommend that the Use Agreement between the City of Hamilton and Glendale Spinning Mills be signed by the Mayor and City Clerk and that the lease between C.P. Limited and the Corporation of the City of Hamilton also be executed.

AC/klb

c.c. P. Noé Johnson, City Solicitor
Attention: D. Powers

Allan C. Ross, Treasurer

K. M. Lau, Manager of Legal Surveys, Transportation Services Department

D. Lobo, Director of Public Works
Attention: J. McNeilly

reviewing this document, the Law Department has recommended that the City not sign the Agreement because in their opinion, it does not properly protect the City. The Law Department advises that the agreement omits the following matters which are very significant to the City:

- a) It does not state when C.P. Rail will commence to relocate the tracks or when the work will be completed.
- b) It does not state when the City's payment is to be made to C.P. Rail - before or after the work is done.
- c) It does not limit C.P. Rail's right to terminate the Lease any time during the ten (10) years on ninety (90) days' notice to the City. The Lease does not require C.P. to reimburse the City for costs paid to C.P..

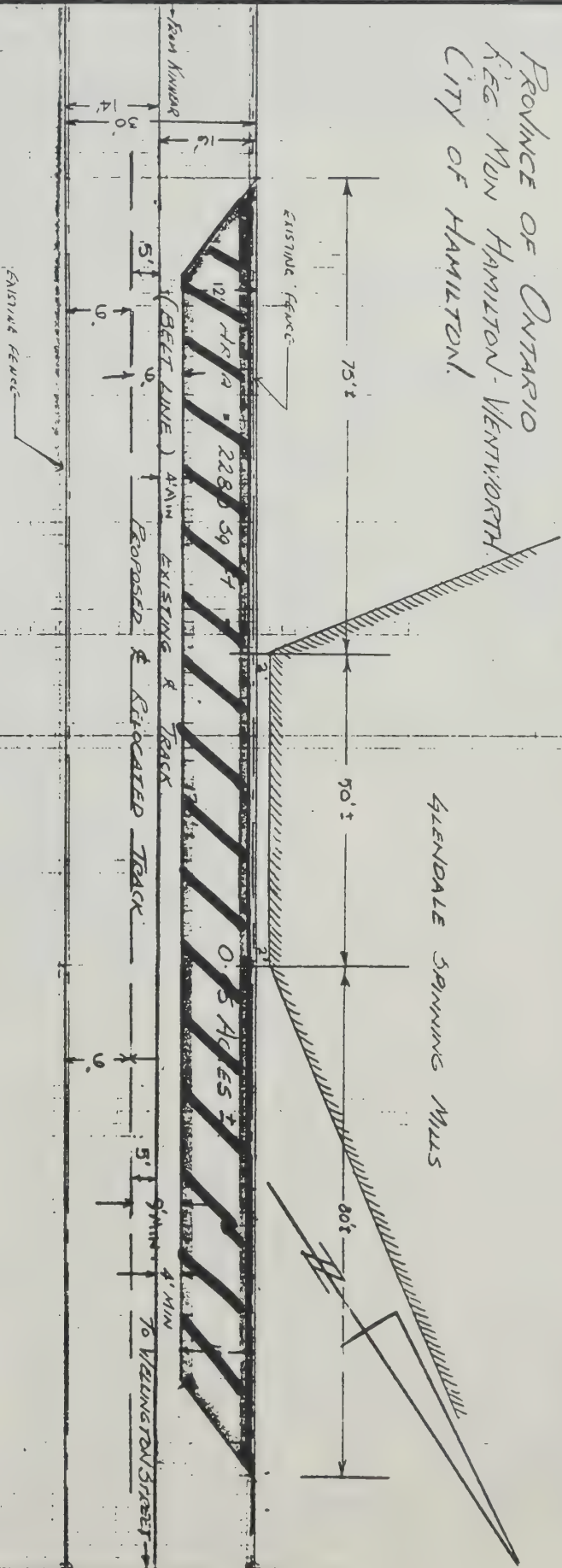
The Law Department had proposed that C.P. have no right to terminate this Lease at all, or if it did have such right, to do so subject to reimbursement to the City, - if the Lease is ended by C.P. within five (5) years, C.P. is to repay the City two-thirds of the relocation costs paid to C.P.. If after five (5) years (and up to ten (10) years) - C.P. is to repay the City one-third of the relocation costs paid to C.P.. This proposal was not acceptable to C.P. Rail.

Due to the omissions and difficulties listed above, the Law Department cautions that the Lease as prepared by C.P. exposes the City, in that the debt which, after it is paid by the City, could be quickly lost by the City if C.P. exercised its right to terminate the Lease on ninety (90) days' notice. As long as this Lease includes termination on ninety (90) days' notice by C.P., this Lease is not actually a ten (10) year Lease. In fact, it is a ninety (90) day lease.

However, the Property Department and Public Works Department recommend the signing of the lease because the resolution of this matter will create a safer environment for the residential community surrounding Glendale Spinning Mills. In our opinion, the terms of the agreement as stipulated by C.P. Limited do not onerously obligate the City of Hamilton in the future, and we feel that any risks being taken by the City are outweighed by the solution to the truck problems in this area where the safety of children is paramount.

SCHEDULE "A"

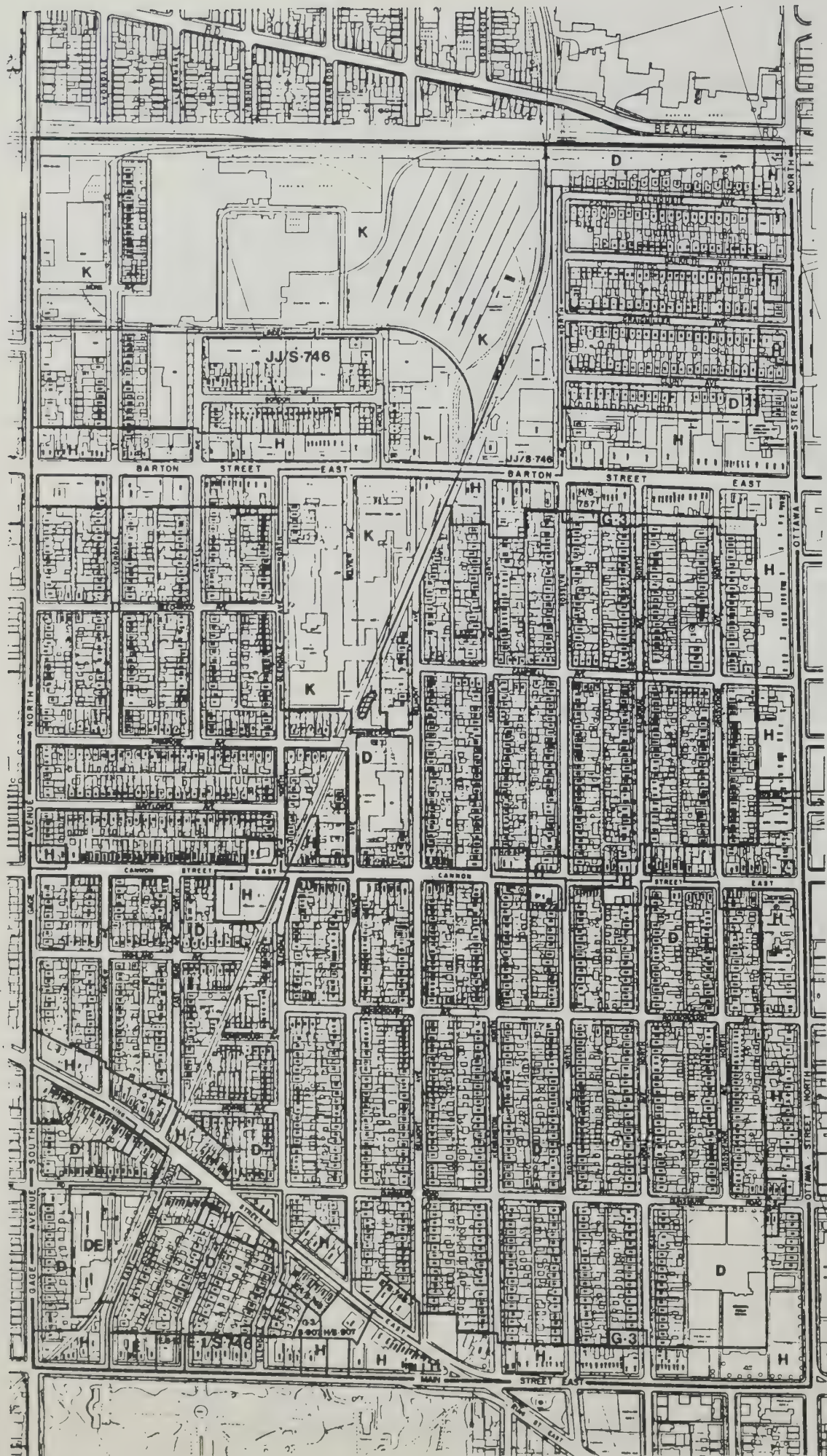
Province of Ontario
 REG. MUN. HAMILTON-WENTWORTH
 CITY OF HAMILTON.



REFERENCE -
 REVISED -

LOCATION - HAMILTON
 DESCRIPTION - IN RED LAND PROPOSED
TO BE LEASED TO GLENDALE
SPINNING MILLS
IN GREEN LIMITS OF RAILWAY LAND

CANADIAN PACIFIC LIMITED
 1.15 S. 0.98
 MI (BETT LINE) 55.4 HAMILTON SUBDIVISION
 SCALE: 1 IN. = 20 FT.
 100 H/L
 FOR DIVISION ENGINEER
 PLAN NO. A-38-74
 AUGUST 5, 1992
 TORONTO DIVISION



Dominic Agostino

Alderman Ward 5 Regional Councillor



12.



City of
HAMILTON

Health & Social Services
Committee
-Chairman

Hamilton Farmer's Market
Subcommittee
-Chairman

Visible Minorities
Representation
Subcommittee
-Chairman

Employee Suggestion
Subcommittee
-Chairman

TKS Investigation
Subcommittee
-Chairman

Hamilton Parking Authority
Committee
-Vice-Chairman

Parks and Recreation
Committee
-Member

Economic Development
Committee
-Member

Transport Management
Board
-Member

CFL Hall of Fame
Committee
-Member

Status of Women
Subcommittee
-Member

Regional Audit
Committee
-Member

Hamilton Civic Hospitals
Board
-Member

Art Gallery of Hamilton
Board
-Member

Hamilton Scourge Project
Committee
-Member

Association of Municipalities
of Ontario - Executive Board
-Member

Procedural By-Law
Subcommittee
-Member



1993 February 18

Mr. J. Schatz,
City Clerk

Dear Mr. Schatz:

Please find enclosed a copy of a memo in regards to User Fees in the City of East York.

I would appreciate it if you could ensure that this item is placed on the agenda of either the Planning and Development Committee or the Transport and Environment Committee, as a delegation item from myself.

Thank you, I look forward to your response.

Yours sincerely,

**DOMINIC AGOSTINO, ALDERMAN,
WARD 5**

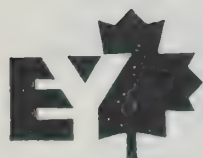
DA:tb

OFFICE OF THE CITY CLERK

FEB 19 1993

REC. BY *ad* DATE
REF'D TO DATE
FILED TO *T.A.* DATE
REF'D TO DATE

ACTION: *F.Y.A.*
rec'd Feb 24
FA.



East York

Corporation of the
Borough of East York

850 Coxwell Avenue
East York, Ontario
Canada M4C 5R1

Office of the Mayor

David J. Johnson
Mayor

Tel (416) 778-2020
Fax (416) 778-9254

February 2, 1993

Mr. Dominic Agostino
Alderman Ward 5
City of Hamilton
City Hall 71 Main Street West
Hamilton ON L8N 3T4

Dear Mr. Agostino:

Thank you for your letter of January 19, 1993. I have attached a chart of what our fees and charges were previously and now, after the "no fees" by-laws were adopted, and a regional comparison.

East York is, I believe, the only municipality in Ontario to eliminate fees across the board for business applications. You should note that we have not changed the fee structure for residential.

We have received wide press coverage on this and I feel businesses are expanding here that might not have done so before. If you need further information, Bill Anderson our Director of Economic Development at (416) 778-2150 would be happy to help you.

Thank you for your interest in East York.

Yours very truly


DAVID J. JOHNSON
Mayor

We'll make you our business!



No Fees!

**FOR ALL
INDUSTRIAL AND COMMERCIAL DEVELOPMENT & RENOVATION**
(EXAMPLE BASED ON A 100,000 S.F. OFFICE BUILDING)

NO PLANNING FEES

	Previous Charges
Official Plan and Zoning By-law Amendment	
Fee (\$750 Application Fee)	\$ 750
Planning Processing Fee (\$.093/S.F.)	\$ 9,300
Consulting (Discretion of Planning Comm'r)	\$ 10,000
Legal Fee (Admin. for Consulting Agreement)	\$ 1,000
Site Plan Approval Fee (\$500)	\$ 500
Processing Fee (\$0.93/S.F.)	\$ 9,300

NO PARKLAND DEDICATION FEES

(None for Commercial-Industrial)	\$ 0
----------------------------------	------

NO BUILDING FEES

Building Permit (\$11/\$1000)	\$110,000
Protection Guarantee (Refundable)	

NO SERVICE CONNECTION HOOK-UP COSTS

Service Connections (Up to \$100,000)	\$100,000
---------------------------------------	----------------------

NO DEVELOPMENT CHARGES

(None for Commercial-Industrial)	\$ 0
----------------------------------	------

TOTAL SAVINGS	\$240,850
----------------------	------------------

*East York has eliminated
all of the above development costs
until December 31, 1994!*

For Property information call Bill Anderson, (416) 778-2150

ESTIMATED MUNICIPAL FEE COMPARISONS FOR A 100,000 SQ.FT. OFFICE BUILDING

100,000 sq.ft bldg or 9290 sq.metres
 Estimated Construction Value: \$10,000,000
 Estimated Land Value For Parkland Dedication: \$500,000

	EAST YORK	ETOBICOKE	NORTH YORK	TORONTO	YORK	MARKHAM
Planning Fees						
Official Plan & Zoning By-law Amendment						
Fee	\$0	\$1,000	\$1,250	\$300	\$2,000	\$1,100
		\$500	\$1,250	\$500		\$1,100
Planning Processing Fee	\$0	\$4,395	\$2,323	\$6,593	\$1,858.00	
		\$0.50/ sq.Metre	\$0.25/ sq.Metre	\$0.75/ sq. Metre	\$20/100 sq m	
		>500 Sq.Metres	Over 500 Sq.Metre			
Consultants Reviews Usually At Discretion of Planning Commissioner	No Charge	N/A	N/A	N/A	Charges*	N/A
					\$5-\$40 Thous	
Site Plan Approval						
Fee	\$0	\$500	\$1,250	\$500	\$500	\$1,100
Processing Fee	\$0	\$4,145	\$1,161	\$4,145	\$1,858.00	N/A
Registration (legal)	\$0	\$750		N/A	\$20/100 sq m	
Parkland Dedication Fees						
Fee	\$0	\$10,000	\$10,000	\$10,000	\$10,000	\$10,000
Appraisal		2+ Land Value	2+ Land Value	2+ Land Value	2+ Land Value	2+ Land Value
				\$500		
				\$9,290		
				\$500 Plus		
				\$1/sq. Metre		
Building Fees						
Building Permit	\$0	\$120,000	\$110,440	\$100,000	\$120,000	\$120,000
		(\$12/\$1,000)	\$40 First \$4000	(\$10/1000)	(\$12/\$1,000)	(\$12/\$1,000)
			(\$11.50/\$1,000)	Plus \$30		
Development Charges						
If Applicable, these include:						
Municipal/Regional/School Board Charges	\$0	\$0	City Wide \$9.13/sq.	\$0	\$166,000	\$505,000
Hydro Charges			Yonge Centre \$18.41/sq.metre		\$1.66/SQ.FT.	\$4.285/SQ.FT.
	\$0	\$141,290	\$212,491	\$131,828	\$302,216*	\$638,300
			City Wide			
			\$383,520			
			Yonge Centre			
TOTAL						

* City Of York study review charges not included in total.

Source: Area municipality Planning/Building Department Information obtained the week of October 19, 1992

Compiled By: East York Economic Development

Copy sent to V. Abraham, Director of Local Planning, Planning Department, P. Noe Johnson, City Solicitor, Law Department, M. Main, Director of Traffic Services, Traffic Department and Alderman D. Drury, Chairperson, Planning and Development Committee - 1993 February 8

AMA ROOFING SUPPLIES

O/B 655732 ONTARIO INC

130 Hempstead Dr., Hamilton, Ontario L8W 2E7 ☎ 389-6071

6ca)

2A-92-46
4 February, 1993

Secretary
Planning & Development Committee
City Hall
71 Main Street West
Hamilton, Ontario
L8N 3J4

RECEIVED

FEB - 8 1993

Dear Secretary

CITY CLERKS

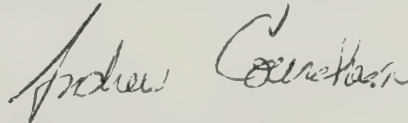
Regarding the modification to "M-14" District Regulations, property description - No. 10 Hempstead Drive, I have no objection provided there be certain considerations to surrounding properties.

- 1) There should be no contamination problem to the food establishment near by, such as from exhaust fumes.
- 2) The exterior property should be kept free of debris, such as old or discarded parts, as this litter would depreciate property value in the surrounding area.

Trusting these matters would be taken care of I submit the reply card in favour of the proposed change.

Yours truly

AMA ROOFING SUPPLIES



Andrew Courchesne

7.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: Feburary 21, 1993
ZA-92-50
Thorner Neighbourhood

RECEIVED

FEB 24 1993

4:15pm

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

CITY CLERKS

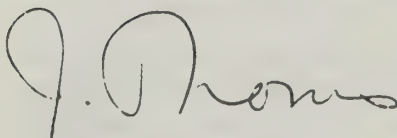
FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: Request for a change and modification in Zoning - Lands at the south-west corner of Upper Sherman Avenue and Limeridge Road East.

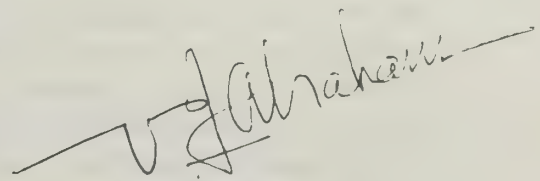
RECOMMENDATION:

That Zoning Application 92-50, David John Armstrong, owner, requesting a change in zoning from "HH" (Restricted Community Shopping and Commercial) District modified, to "G-4" (Designed Neighbourhood Shopping Area) District modified, to permit a neighbourhood shopping plaza including a gas bar, for lands located at the south-west corner of Upper Sherman Avenue and Limeridge Road East, as shown on the attached map marked as APPENDIX "A", be **DENIED** for the following reasons:

- i) The proposed uses would be incompatible and out of character with existing and proposed low density housing in this area; and,
- ii) There is an adequate supply of commercially zoned and designated land in the area to accommodate the proposed uses in the area of Upper Wentworth Street and Upper Gage Avenue, south of Mohawk Road.



J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department



V.J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

The purpose of the application is to provide for a change in zoning from "HH" (Restricted Community Shopping and Commercial) District modified, to "G-4" (Designed Neighbourhood Shopping Area) District, modified to permit development of the subject lands for a neighbourhood shopping plaza, including a gas bar.

- By-law 88-205 (ZA 88-27)

At its meeting of June 15, 1988, the Planning and Development Committee approved an application to provide for an Official Plan Amendment and a change in zoning from "AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial) District, modified to permit only a gas bar and a convenience store. Approval of the application required a redesignation from "RESIDENTIAL" to "COMMERCIAL" in the Official Plan. Official Plan Amendment No. 58 was adopted by City Council on June 28, 1988 to implement this redesignation.

Objections to the OPA and the Zoning By-law were received and referred to the Ontario Municipal Board. The hearing was held on May 29, 1990, at which time the Board approved the Official Plan Amendment and the By-law (88-205) to implement the change in zoning. With respect to the proposed uses, the Board approved a retail variety store but did not approve the gas bar, as an agreement was reached between the applicant and the objector to delete the proposed gas bar use.

- By-law 90-273 (ZA 90-19)

At its meeting of August 22, 1990, the Planning and Development Committee approved a further modification to the "HH" (Restricted Community Shopping and Commercial) District regulations, to permit a bank, professional offices (excluding medical), a dry cleaner outlet, a video store, a clothing store, a shoe store, a television and appliance store, barbershop/hairdresser, a photo studio and a drug store. City Council passed By-law 90-273 on September 25, 1990.

- By-law 91-206 & By-law 92-046 (ZA 91-37)

At its meeting held on September 18, 1991, the Planning and Development Committee

approved a further modification to the "HH" (Restricted Community Shopping and Commercial) District regulations to add a gas bar as a permitted use, and to delete the following commercial uses as previously permitted under By-law No. 90-273:

- a clothing store;
- a shoe store;
- a television and appliance store;
- a barbershop/hairdresser; and,
- a photo studio.

City Council passed By-law 91-206 on October 29, 1991.

On December 6, 1991, an objection was received to the passing of the By-law. As a result of consultations with the objector it was resolved that a further amendment be made to the By-law to delete a video store as a permitted use. In this regard, on January 22, 1992, the Planning and Development Committee passed a resolution to implement this recommendation. On January 28, 1992, City Council passed By-law 92-046 to amend By-law 91-206 to delete the video store use. By-law 92-046 came into effect on March 2, 1992.

For the information of the members of the Planning and Development Committee, the attached chart (see Appendix "B") has been prepared which provides a summary of the uses permitted under the above noted By-laws and the uses permitted under the requested "G-4" (Designed Neighbourhood Shopping Area) District.

APPLICANT:

David John Armstrong, owner.

LOT SIZE AND AREA:

- 50.29 m (165 feet) of lot frontage on Limeridge Road East;
- 60.96 m (200 feet) of lot frontage on Upper Sherman Avenue; and,
- 3,065.8 m² (33,000 square feet) of lot area.

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	vacant	"HH" (Restricted Community Shopping and Commercial) District modified
<u>Surrounding Lands</u>		
to the north	single-family dwellings	"C" (Urban Protected Residential, etc.) District
to the south	proposed mountain freeway	"AA" (Agricultural) District
to the west	church	"AA" (Agricultural) District
to the east	single-family dwellings	"R-4" (Small Lot Single-Family Detached) District

OFFICIAL PLAN:

The subject lands are designated "COMMERCIAL" on Schedule "A" - Land Use Concept. The following policies, among others, would apply:

- "A.2.2.25 The LOCAL COMMERCIAL category applies to groups of, or individual commercial establishments and local business and professional offices serving the daily retail needs of surrounding residents, and primarily dependent upon pedestrian access.
- A.2.2.26 The maximum site areas of any LOCAL COMMERCIAL development will not exceed .4 hectare in keeping with the intention that LOCAL COMMERCIAL facilities are to serve local Residential areas only with convenience goods and personal services.
- A.2.2.30 AUTOMOBILE SERVICE STATIONS will mean land or buildings where oil and gasoline are kept for sale, and where minor automotive repairs may be carried out. In considering proposals for new AUTOMOBILE SERVICE STATIONS, Council will require that the following provisions are complied with in all respects:
- i) The preferred location for an AUTOMOBILE SERVICE STATION will be adjacent to the intersections of major roads and, in the case of Shopping

Centres, the structure will be physically separated from the major activity areas and buildings of the Shopping Centre and be in close proximity to the major roads providing access; and,

- ii) An AUTOMOBILE SERVICE STATION will only be permitted where the movement of traffic and/or pedestrians in the vicinity of the site will not be endangered or congestion increased by virtue of its location and operation.

A.2.2.31 Council will endeavour to minimize the impacts of AUTOMOBILE SERVICE STATIONS on adjacent land uses through measures such as, but not limited to, the following:

- i) The establishment of building separation distance and yard requirements;
- ii) The requirement of fencing and/or landscaped buffer strips to effectively screen the operation;
- iii) Paved surface requirements for all non-landscaped areas;
- iv) The restriction of outside storage, other than automobiles;
- v) The establishment of separation distance requirements from Residential or other land uses for all ingress or egress ramps; and,
- vi) The requirement that all lighting and illuminated signs be designed to be deflected or shielded from adjacent Residential Uses.

A.2.2.34 Where COMMERCIAL USES are proposed to be developed adjacent to Residential land uses, Council will be satisfied that the following provisions are adequately met:

- i) Access drive, parking and service areas will be screened and/or buffered such that noise, light or undesirable visual impacts emanating from the COMMERCIAL USE are mitigated;
- ii) Light from standards or other external lighting fixtures, excluding those used for store and window display or wall illumination, will be directed downwards and shielded or oriented as much as practicable away from the adjacent Residential Uses; and,
- iii) Light standards will be of a height that is in scale with the facility, but will not be of a height sufficient to create a nuisance to adjacent land uses.

- A.2.2.35 The size of advertising, identification or other promotional signs and devices will be regulated by appropriate by-laws in order to avoid conflicts with effective traffic control and the general amenity of the area".

Based on the above-noted policies, the proposal does not conflict with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

The subject lands are designated "COMMERCIAL" in the approved Thorner Neighbourhood Plan. The proposal does not conflict with the intent of the Plan.

RESULTS OF CIRCULARIZATION:

- The Hamilton Region Conservation Authority has no comments or objections.
- The Building Department has advised that:
 - "1. The depth of the lot is more than the permitted maximum 45.0 m.
 2. In addition to the gas bar, variety store and other related uses that are propopsed, a window sign and/or wall sign as permitted under Section 13D(1)(xvii) of By - law 6593 shall be listed as a use.
 3. The special requirement of a landscaped strip and a visual barrier as indicated in By-law 91-206 shall be considered.
 4. It is recommended to repeal the entire existing By-laws 91-206 and 92-046."
- The Roads Department has advised that:
 - "1. As per comments from the Special Projects Office, the Upper Sherman Ave. Overpass at the Freeway has been constructed and all matters relating to grading, road widenings etc. will be addressed by this office.
 2. All our previous comments on zoning applications ZA 90-19 dated April 30, 1990, ZA 91-37 dated August 14, 1991 are still applicable to this application and must be included in the conditions of zoning approval.
 3. At such time as site and grading plans are submitted to this Office for review, we will provide detailed comments on access design and location. The owner may have to approach the owners to the west to remove a portion of the embankment to ensure maximum visibility for motorists entering Limeridge Road from this site.

These improvements will likely be required as a condition of Access Approval.

4. As noted previously, we recommend that a site plan on this property be approved in principle prior to the passing of the zoning By-law."

- The Freeway Office has advised that:

"We have reviewed the above zoning application and wish to advise that the Upper Sherman/Freeway overpass project was completed in September 1992. All the roadway changes along Upper Sherman have been completed. Therefore, we have no comment to make on this zoning change. However, comments with respect to the zoning should be received from the Development Section of the Roads Department."

- The Traffic Department has advised that:

".. we have reviewed the above application and find it to be satisfactory. However, the applicant should be advised that there is a possibility that access to the site may be limited to right-turn in/right-turn out only from one or both of the streets,"

COMMENTS:

- 1) The proposal does not conflict with the intent of the Official Plan or the approved Thorner Neighbourhood Plan.
- 2) The proposal cannot be supported for the following reasons:
 - a) The proposed uses would be incompatible and out of character with existing and proposed low density housing in this area; and,
 - b) There is an adequate supply of commercially zoned and designated land in the area to accommodate the proposed uses in the area of Upper Wentworth Street and Upper Gage Avenue, south of Mohawk Road.
- 3) The Planning and Development Committee and City Council supported the three previous zoning applications on the subject lands, contrary to staff recommendations. In this regard, the site was originally designated "RESIDENTIAL" in the Official Plan and for "ATTACHED HOUSING" in the approved Thorner Neighbourhood Plan. The first application was to permit a convenience store and a gas bar (By-law 88-205 - see Appendix "B"). The second application was to permit neighbourhood type commercial uses, and home appliance stores (By-law 90-273 - see Appendix "B"). The third application was to permit a gas bar, variety store, bank, professional offices (excluding medical), dry cleaner outlet, video store and drug store (By-law 91-206 - see Appendix "B"). As a result of an objection to the passing of By-law 91-206, By-law 92-046 was passed to delete a video store use.

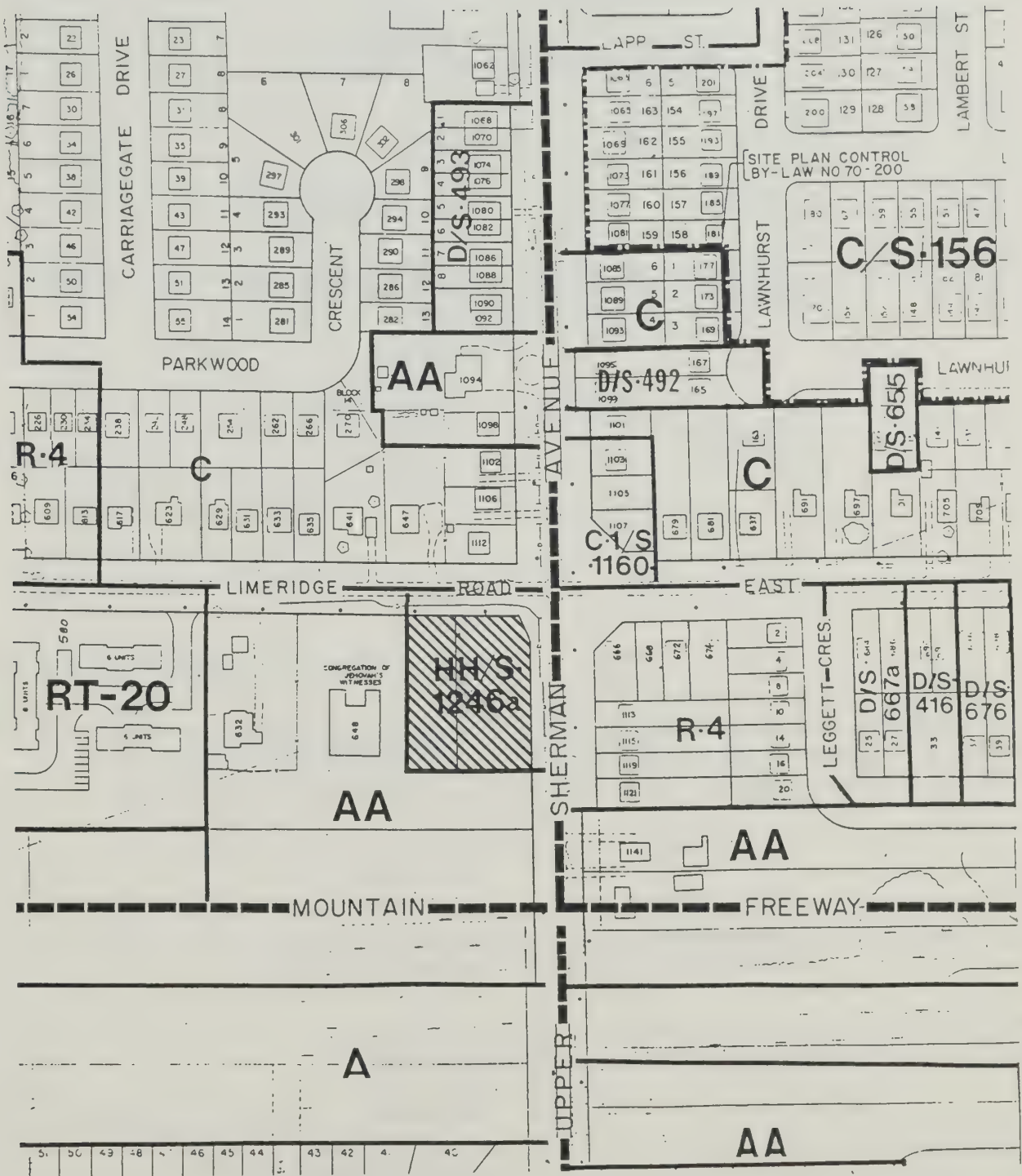
The proposal would provide for an expanded range of neighbourhood commercial uses, whereas the previous applications were more convenience/service oriented (see Appendix "B"). If the Committee wishes to approve this application, the applicant should provide the required landscaped strip and visual barrier in accordance with the provisions of By-law No. 91-206 in the amending by-law. In addition, the Building Department recommends that By-laws 91-206 and 92-046 should be repealed in their entirety.

- 4) The requested "G-4" (Designed Neighbourhood Shopping Area) District is subject to Site Plan Control By-law 79-275, as amended by 87-223. In this regard, matters concerning parking, loading, landscaping, grading, fencing, access, road widenings, etc. can be reviewed at the site plan stage of development.

CONCLUSION:

Based on the foregoing, the proposal cannot be supported.

GAW/ma
WPZA9250



Legend



Site of the Application



APPENDIX "B"

COMPARISON OF EXISTING/PROPOSED USES

<u>By-law 88-205</u>	<u>PERMITTED USES</u>		<u>PROPOSED USES</u>
	<u>By-law 90-273</u>	<u>By-law 91-206</u>	<u>"G-4"</u>
Retail variety store		Variety store	Retail bakery or confectionery store
		Gas bar	Gas bar
	Bank	Bank	Bank
	Clothing store		Retail dry goods store or retail women's or men's clothing store
	Professional offices (excluding medical and dental)	Professional offices (excluding medical)	Offices for use by insurance agents, lawyers, auditors or realtors
			Offices for medical or dental practitioners
	Collecting and distributing station for dry cleaning	Dry cleaner outlet	Collecting and distributing station for a laundry or dry cleaner
	Video store	Video store (* deleted by By-law 92-046)	
	Photo studio		Photographer's studio except a motion picture studio
		Drug store	Retail drug store
	Barber shop/hairdresser		Barber shop, hairdressing establishment or beauty parlour
	Shoe store		
			Shoe repair shop
Television and appliance store			
			Day nursery
			Retail grocery store
			Retail stationer
			Restaurant or refreshment room without any dancing or other entertainment except music
			Retail delicatessen store
			Retail hardware store
			Commercial lending library
			Signs & Accessory uses as per the District regulations

8.

CITY OF HAMILTON
- RECOMMENDATION -

RECEIVED

DATE: 1993 February 24
(CI 91-G)

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: Front Yard Parking for Single and Two-Family Dwellings
in Residential Districts

FEB 25 1993

CITY CLERKS

Second Report

RECOMMENDATIONS:

A. That approval be given to amended City Initiative 91-G, for a general text amendment to Zoning By-law No. 6593, as amended by By-law No. 92-281, to further modify the front yard parking requirements for single and two-family dwellings, on the following basis:

a) That Section 7 of By-law No. 92-281 be further modified as follows:

i) Clause 19(1)(v)(1) be amended by deleting the words 'required area for parking' and replacing it with the words 'area for parking, manoeuvring, and access driveway' so the clause reads as follows:

"it may be located in a required front yard provided that the **area for parking, manoeuvring and access driveway** shall not occupy more than 50% of the gross area of the front yard"

ii) Clause 19(2)(vi)(1) be amended by deleting the words 'required area for parking' and replacing it with the words 'area for parking, manoeuvring, and access driveway' so the clause reads as follows:

"it may be located in a required front yard provided that the **area for parking, manoeuvring and access driveway** shall not occupy more than 50% of the gross area of the front yard"

b) That Section 8 of By-law No. 92-281 be further modified as follows:

- i) Clause 18A.(14a) be amended by adding the word "required" between the words 'a' and 'front' and to add the following words at the end of the Clause "and not less than 50% of the gross area of the front yard shall be used for a landscaped area excluding concrete, asphalt, gravel, pavers, or other similar materials" so the entire clause reads as follows:

"Except for single-family dwellings and two-family dwellings erected prior to the 14th day of December 1971, no part of a required parking area in a residential district shall be located in a **required front yard and not less than 50% of the gross area of the front yard shall be used for a landscaped area excluding concrete, asphalt, gravel, pavers, or other similar materials.**

- ii) Clauses 18A (14b) and 18A.(14b)(i) be amended by deleting the word "required" between the number '1971,' and the word 'parking' and deleting the word "required" between the words 'the' and 'area' so the entire clause reads as follows:

"For single-family dwellings and two-family dwellings erected prior to the 14th day of December 1971, parking may be provided and maintained in the front yard provided that:

- (i) the area for parking shall not occupy more than 50% of the gross area of the front yard; and,...."

c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 for presentation to City Council; and,

d) That the proposed changes to the Zoning By-law are in conformity with the Official Plan for the Hamilton Planning Area.

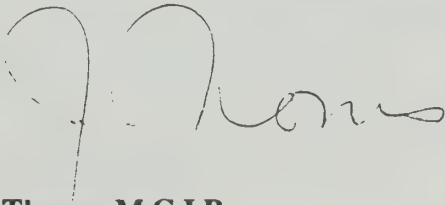
B. That Item 1B of the Seventeenth Report of the Planning and Development Committee for 1992 be deleted and replaced as follows:

"That the Transport and Environment Committee be requested to direct the Traffic Department to amend the Council adopted "Policy respecting Boulevard Parking for One, Two and Three-Family Dwellings" to require a minimum of 50% of the boulevard area be provided and maintained as a landscaped area."

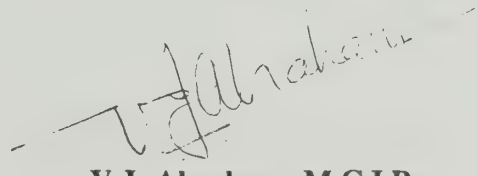
EXPLANATORY NOTE:

The purpose of the By-law is to provide for a further modification to Zoning By-law No. 6593, as amended by By-law No. 92-281, respecting front yard parking for single and two-family dwellings in residential districts.

The effect of the By-law is to prohibit **unrequired parking** in the front yard for all single and two-family dwellings, unless 50% of the front yard is used for a landscaped area.



**J.D. Thoms, M.C.I.P.,
Commissioner
Planning and Development**



**V.J. Abraham, M.C.I.P.c
Director of Local Planning**

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

On November 10, 1992, City Council passed By-law No. 92-281 respecting Housing Intensification. A portion of the by-law dealt with parking in the front yard for both converted dwellings as well for single and two-family dwellings. The By-law permits required parking in the front yard for houses built prior to 1971 provided 50% of the front yard was maintained as landscaped area and prohibits required parking in the front yard for houses built after 1971. However, it does not restrict owners from providing non-required parking in the front yard.

It should be noted this by-law would not come into effect unless By-law No. 92-281 (Housing Intensification Strategy) is approved by the Ontario Municipal Board.

COMMENTS:

- 1) The proposal does not conflict with the intent of the Official Plan.

- 2) At the present time, an owner of a single or two-family dwelling can pave over the front yard to provide additional (unrequired) parking, over and above what is required by the Zoning By-law. This amendment places restrictions on unrequired parking in front yards for single and two-family dwellings by requiring that a minimum of 50% of the yard be maintained as a landscaped area. The retention of a landscaped area will enhance the character of the residential areas and at the same time provide for more green space.
- 3) This amendment is consistent with a previously adopted Planning and Development Committee recommendation requesting the Transport and Environment Committee and the Transportation Services Committee to amend the appropriate by-laws to require 50% of the area used for residential boulevard parking to be landscaped.
- 4) The Building Department has suggested the above noted changes be made to By-law No. 92-281 clarify the intent of front yard parking for single and two-family dwellings in residential districts.
- 5) The Traffic Department has suggested that the previous recommendation respecting the amendments to the Streets By-law for residential boulevard agreements be reworded to allow for changes to the "Policy Respecting Boulevard Parking for One, Two and Three-Family Dwellings" as opposed to the Streets By-law. The previous recommendation requested that 50% of the boulevard be landscaped whereas this is not a requirement at the present time. This amendment to the Streets By-law/Policy would be consistent with the amendments to the Zoning regulations requiring 50% of the front yards be landscaped, where parking is permitted in the front yard.

Unlike the Zoning By-law, variances to the Streets By-laws cannot be given; however, variances to the Policy can be provided through the Transport and Environment Committee and/or Council. Therefore, it is more appropriate to amend the Policy than the Streets By-laws to allow more flexibility, where necessary.

CONCLUSION:

Based on the foregoing, these amendments can be supported.

JHE

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Judith MacAnanama
Chief Librarian

1993 March 17

NOTICE OF MEETING

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, 1993 March 24

9:30 o'clock a.m.

Room 233, City Hall

A handwritten signature in dark ink, appearing to read 'Tina Agnello'.

Tina Agnello, Secretary
Planning and Development Committee

AGENDA:

1. **CONSENT AGENDA**
2. **IN CAMERA AGENDA**
3. **CENTRAL AREA PLAN IMPLEMENTATION COMMITTEE,
IMPLEMENTATION OF THE PUBLIC PARTICIPATION
POLICIES - CENTRAL AREA PLAN**
 - 3.1 CAPIC Report
 - 3.2 Planning Department Report
4. **COMMISSIONER OF PLANNING AND DEVELOPMENT**

Zoning Application 93-02, J. A. Riccio Developments Inc., owner, requesting removal of the "H" (Holding) provision from the "HH" District, modified, for lands located at Nos. 1379-1383 Upper James Street; Ryckmans Neighbourhood (Not a Public Meeting)

10:00 O'CLOCK A.M.

5. **SECRETARY, LACAC**

Fearman House, 90 Stinson Street - Designation

Delegation: Paul Ortmann, Stinson Community Association

6. **DELEGATION - ALDERMAN D. AGOSTINO**

User Fees in the City of East York (Previously tabled)

7. **BUILDING COMMISSIONER**

Cash-in-Lieu of Parking Policy

10:30 O'CLOCK A.M.

PUBLIC MEETINGS

8. Subdivision Application 25T-92011 and Zoning Application 92-51, Ontario Land Corporation, owner, for a modification to the established "C" District regulations, for lands located between Duncairn Crescent and Heatherdale Place, and west of Gondola Street; Gourley Neighbourhood
9. Zoning Application 92-53, 518374 Ontario Ltd. (Angelo Papastamos), owner, for a further modification to the "AA" District regulations, for a property located at No. 1314 Upper Wentworth Street; Crerar Neighbourhood
10. Zoning Application 92-56, Demetre Dekaneas, owner, for a change in zoning from "AA" District to "C" District, for lands located at Nos. 140, 150 and 158 Rymal Road West; Mewburn Neighbourhood

10:45 O'CLOCK A.M.

11. Rental Housing Protection Act Application CD-92-002, for property located at No. 293 Limeridge Road West

12. **OTHER BUSINESS**

13. **ADJOURNMENT.**

PLANNING AND DEVELOPMENT COMMITTEE

OUTSTANDING LIST

Item No.	Item	Original Date	Action	Status
1.	Mobile Signs		Planning	Report Pending
2.	C.I. 90-F - Parking requirements in the Central Business District	1990 July 25	Planning	Draft Report being finalized. Consult with Parking Authority, Traffic, Building and Cash-in-Lieu of Parking Committee
3.	Site Plan Enforcement Procedures	1991 January 23	Building, Regional Engineering, and Planning	Report back on alternative proposals
4.	Conditions of Conversions - Separate Utility Controls	1991 June 19	Building	Report Pending
5.	Site Plan Control Application DA-91-50 45 Hempstead Drive	1992 January 8	Planning	Tabled - Applicant directed to proceed through Committee of Adjustment
6.	11-13 Holmes Avenue 19th Century Log Home	1992 June 24	Planning	Report Pending
7.	ZA-91-12 - 25 Hess Street South	1992 June 24	Applicant	Tabled for negotiations between parties
8.	ZA-92-03 - 212 James Street South	1992 June 24	Applicant Harper Brothers Holdings	Tabled to submit amended application
9.	Definition of "Foster Home" and "Residential Care Facility"	1992 November 18	Alderman T. Cooke	Planning & Building Departments to prepare a report
10.	Lot Grading with respect to Land Severance Applications creating One, Two & Three Lots	1993 February 3	Alderman H. Merling	Tabled to allow previous Sub-Committee to review matter
11.	Revitalization of Barton	1993 February 3	Mayor R. M. Morrow	Various departments to report back on Mayor's Request
12.	Go Transit Centre - 36 Hunter Street Consultant Study	1993 March 3	Finance & Administration Committee	Referred to Finance & Administration Committee for method of financing

Tina Agnello, Secretary
1993 March 17

PLANNING AND DEVELOPMENT COMMITTEE

WEDNESDAY, 1993 March 24

CONSENT AGENDA

A. **ADOPTION OF THE MINUTES**

Minutes of the Planning and Development Committee meeting held 1993 March 3

B. **DIRECTOR OF PROPERTY**

Release of Building Covenants - 120 Nebo Road, Hamilton, Lot 19, Plan M-227
Hamilton Industrial Park No. 1 City Sale to Elio Marchetti Construction
Covenants as contained in City Deed 209743 L.T. and 209744 L.T.

C. **DIRECTOR OF PUBLIC WORKS**

Closure of Public Works Department Community Renewal Section Capital
Projects

D. **COMMISSIONER OF PLANNING AND DEVELOPMENT**

- (a) Amendment to the approved Beasley Neighbourhood Plan - Carter Square
- (b) C.P. Rail Bridges at Poulette, Ray and Pearl Streets; Kirkendall North
Neighbourhood

E. **SECRETARY, LACAC**

- (a) Bamberger House, 11-13 Holmes Avenue - Funding for Relocation and
Structural Investigation
- (b) Designation Recommendation - T.H. & B. Station (GO Transit Centre) 36
Hunter Street East

F. **BUILDING COMMISSIONER**

- (a) Demolition of 28 Victoria Avenue North - Tag Number 88693
- (b) Commercial Facade Loan Programme Loan Increase - 533-537 Concession Street
- (c) Hamilton Emergency Loan Programme:
 - i) 74 Chatham Street
 - ii) 48 East 35th Street
 - iii) 252 Glencarry Avenue

G. **SECRETARY, PLANNING AND DEVELOPMENT**

Information Items

Wednesday, 1993 March 3
9:30 o'clock a.m.
Room 233, City Hall

A.

The Planning and Development Committee met.

There were present: Alderman D. Drury, Chairperson
Alderman F. Eisenberger, Vice-Chairperson
Mayor Robert M. Morrow
Alderman M. Kiss
Alderman D. Wilson
Alderman B. Charters
Alderman F. D'Amico
Alderman H. Merling
Alderman Wm. McCulloch

Also Present: Alderman V. Agro
Alderman G. Copps
Alderman T. Jackson
Victor Abraham, Director of Local Planning
Paul Mallard, Planning Department
Joanne Hickey-Evans, Planning Department
John Sakala, Planning Department
Bill Janssen, Planning Department
Caroline Floroff, Planning Department
Willie Wong, Building Department
Brian Allick, Building Department
Jacqueline McNeilly, Public Works Department
John Robinson, Public Works Department
Roland Karl, Traffic Department
Dave Powers, Law Department
Eugene Chajka, Roads Department
Tina Agnello, Secretary

1. **DELEGATION - ALDERMAN V. AGRO**

City Initiative 92-H for a Modification to the "D" District rezoning for property located at 96 Mary Street, Beasley Park (Previously Tabled)

A submission was received by J. Davenport, Cannon Street East, Hamilton on behalf of area residents.

Stella Fittante of 136 Cannon Street East, Dorothy Husman of 142 Cannon Street East and Lois McCullough of 138 Cannon Street East were present to support approval of the City Initiative.

Ms. Davenport advised that there are only 5 lanes which have been affected by the road closure. Proposed planning on Elgin Street is inconvenient for elderly residents.

Ken Hastings, Vice-President of the Beasley Neighbourhood Association stated that permit parking was promised to the 5 residents when Elgin Street was closed and as such the residents did not object to the closure. He said that the location for parking being proposed by the residents is reasonable.

Jim Drake stated that the area the residents are requesting for parking is a noxious noisy area and would be appropriate. He suggested that the houses be zoned "A" modified and that they be purchased when available for sale, to be made part of the park.

Alderman Agro asked the Committee to be sensitive to the residents needs. He said that this is an opportunity to improve the quality of life for residents.

Mr. Norris of 164 Catherine Street North stated that he does not want land taken from the Park to be used for parking spaces. He urged the Committee not to set a precedent.

Alderman McCulloch stated that regardless of the parking situation, parkland should never be used for parking vehicles. He suggested that overnight permit parking be allowed on Cannon Street and Queen Street.

Alderman Copps and Alderman Kiss who visited the area, were in support of the approving the City Initiative. They were concerned about safety hazards near the mill.

In response to a question from Alderman Wilson, Mr. Abraham advised that the proposal has gone through a neighbourhood planning process at which time it was suggested that parking would be located on Mary Street.

Alderman Wilson and Alderman Eisenberger concurred that it is inappropriate to use parkland for parking vehicles, especially when 3 of the 4 other options are viable. The Elgin street option does not vary greatly from what the residents are requesting.

Alderman Merling stated that a precedence to use parkland should not be set. Since there are many similar situations throughout the City which will cause other to ask for parkland parking.

Alderman D'Amico stated that since that most cost effective means of providing parking would be in the Beasley Park, the City Initiative should be supported.

As recommended by the Commissioner of Planning and Development dated 1993 January 26 the Committee recommended to Council as follows:

That City Initiative 92-H, for a modification to the established "D" (Urban Protected Residential, One and Two-Family Dwellings, Townhouses, etc.) District regulations, to permit a public parking area (five spaces), for property located at part of No. 96 Mary Street (Beasley Park), as shown on the attached map marked as Appendix "A", be denied for the following reasons:

- (a) It conflicts with the intent of the Official Plan, which designates the subject lands "Central Policy Area"; and with the Approved Beasley Neighbourhood Plan, which designates the subject lands "Park and Recreational". In this regard, land uses within areas designated "Central Policy Area" are to be detailed through Approved Neighbourhood Plans. The intent of the Approved Neighbourhood Plan is that the subject lands be used for "Park and Recreational" purposes;
- (b) From a planning perspective, to permit public parking on lands designated and acquired for park purposes is not appropriate; particularly since a number of feasible alternatives for the proposed parking area, which do not involve the use of parkland and which could be more secure and more accessible to users, have been identified; and,

- (c) Approval of this City Initiative could encourage other similar proposals, which if approved, could undermine the intent of the Official Plan and the Approved Neighbourhood Plan with respect to the development of designated parkland.

2. **BUILDING COMMISSIONER**

Barton Street Revitalization

As recommended in a report dated 1993 February 15 the Committee recommended to Council as follows:

That the Building Commissioner be authorized to assign a Loans Officer from the Loans Division to operate out of the B.I.A. site office on Barton Street on a part-time basis to better promote the existing loan programmes.

3. **CHIEF ADMINISTRATIVE OFFICER AND DIRECTOR OF PLANNING**

Hamilton GO Transit Centre, at 136 Hunter Street, Corktown Neighbourhood

John Sakala advised that 25% of the working drawing for the centre have been made available. The tender drawings for the centre will be ready by late March.

Mr. Sakala advised that the main issue at present are design issues for pedestrian safety and vehicular access on Hunter street and pedestrian access on Haymarket Street where that bus terminal will be located. Suggestions to alleviate these concerns include a pedestrian overpass, public waiting areas, paved areas and canopies.

Alderman Eisenberger asked if a commitment has been made by the province regarding funding requested for a consultant to review and comment on their plans on behalf of the City. If there is no funding a decision must be made on how to proceed.

Bill Janssen advised that requests for funding have been forwarded to the Ministry of Transportation and the Ministry of Municipal Affairs. He is of the impression that some saving is available but the entire amount may not be funded.

Alderman Copps was concerned that the designs thus far do not consider 1 chain access or special equipment for the visually impaired. She was also concerned with pedestrian safety.

The Committee agreed to suspend the rules of order to allow an unscheduled delegation to speak.

Peter Hill, concurred with Alderman Eisenberger and suggested that a consultant be retained to be later reimbursed by provincial funds, if any are received.

Mr. Abraham advised that there are no funds available in Planning Department and budget to pay for this.

Alderman Wilson felt that the \$60,000. for a consultant should have been advising in the 1993 budget. Alderman Charters concurred.

Alderman McCulloch suggested that the matter of funding be referred to the Finance and Administration Committee for consideration.

The Committee resolved that the Finance and Administration Committee be requested to identify a source of funding required to have a consultant at a cost of \$60,000. to review and comment on all GO Hamilton Transit Centre plans for 36 Hunter Street.

The Committee also approved the recommendation of the C.A.O. and Director of Local Planning dated 1993 February 23 and recommended to Council as follows:

That in regard to the development of the Hamilton GO Transit Centre at 36 Hunter Street, Go Transit be requested to address the following:

- (a) Alternative designs of the Hunter Street frontage should be reviewed to address the pedestrian spaces, vehicular movements and related details which are within the project property and the Hunter Street road allowance;
- (b) The proposed ramp and reconstructed steps at Hughson and Haymarket Streets should include a canopy as an extension of the Transit Centre roof structures and the appropriate agreements be provided;
- (c) The pedestrian waiting areas adjacent to the parked bus areas should be considered to be climate controlled waiting areas;
- (d) The pedestrian canopy interface between the project and the bridges at John and James Street should interconnect and provide a continuous covered fully accessible pedestrian walkway with appropriate agreements for construction within the road allowances;
- (e) Pedestrian paving patterns within the projects should be integrated with pedestrian movements crossing the driveways at James and John Streets with appropriate agreements for construction within the road allowance;
- (f) The interface of stairs and connections from the train and bus platforms to the adjacent sidewalks on James and John Streets should be designed fully accessible with safety considerations and improved lighting, with appropriate agreements for any construction or features within the road allowances; and,
- (g) The Issues Paper, Appendix "B" and the Comments on the GO Station, Appendix "C" should be re-examined to incorporate detailed concerns previously noted.
- (h) Updated plans should be submitted for review and comment.

PUBLIC MEETINGS

4. Zoning Application 92-46, G. Sebastian Inc., owner, for a further modification to the established "M-14" District regulations, for property located at No. 10 Hempstead Drive; Rymal Neighbourhood

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1993 February 18. A submission was received by Andrew Courchesne of 130 Hempstead Drive, Hamilton and a petition was submitted by area residents.

Paul Mallard was advised that the application is for a request to establish a garage in an "M-14" area. The Planning and Development Committee in August 1992 approved an auto garage for 55 Lancing Drive.

The Planning and Development Committee at its meeting of 1992 August 19 deleted the recommendation to permit "motor vehicle repair shops except paint and autobody repair shops" to the M-12, M-13, and M-14 districts.

Alderman Jackson and the Mayor concurred that the request is consistent with other uses in the area and should therefore be permitted. They felt it would also help the economy.

After brief discussion the Committee moved that the following recommendation be forwarded to Council for approval:

That approval be given to Zoning Application 92-46, Mr. G. Sebastian Inc., owner, requesting a modification to the established "M-14" (Prestige Industrial) District regulations, to permit an auto repair garage within the existing building, for the property located at No. 10 Hempstead Drive, Unit # 6, as shown on the attached map marked as Appendix "D", on the following basis:

- (a) That the "M-14" (Prestige Industrial) District regulations, as contained in Section 17F of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variance as special requirement:
 - i. That notwithstanding Section 17F(1)(b) of Zoning By-Law No. 6593, a motor vehicle repair shop except a paint and autobody repair shop shall be permitted;
- (b) That the amending By-law be added to Section 19B of Zoning By-Law No. 6593 as Schedule S-1124a, and that the subject lands on Zoning District Map E-59D be notated S-1124a;
- (c) That the City Solicitor be directed to prepare a By-Law to amend Zoning By-law No. 6593 and Zoning District Map E-59D for presentation to City Council; and,
- (d) That the proposed modification in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

5. Zoning Application 92-50, David John Armstrong, owner, for a change in zoning from "HH" District, modified, to "G-4" District, modified, for property located at the south-west corner of Upper Sherman Avenue and Limeridge Road East; Thorner Neighbourhood

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1993 February 21.

Paul Mallard advised that of the notification sent to residents, 5 replied in favour and no one was opposed.

Mr. Armstrong advised that the request is to expand commercial uses in the plaza.

Alderman Merling explained that originally it was recommended that the land be used for public housing. There already exist commercial use in this area and there is no reason why the request should not be permitted.

After brief discussion the Committee resolved to forward the following recommendation to Council for approval:

That approval be given to Zoning Application 92-50, David John Armstrong, owner, requesting a change in zoning from "HH" (Restricted Community Shopping and Commercial) District modified, to "G-4" (Designed Neighbourhood Shopping Area) District modified, to permit a neighbourhood shopping plaza including a gas bar, for lands located at the south-west corner of Upper Sherman Avenue and Limeridge Road East, as shown on the attached map marked as Appendix "E", on the following basis:

- (a) That By-law No. 91-206 and By-law No. 92-046 be repealed in their entirety;
- (b) That the subject lands be rezoned from "AA" (Agricultural) District to "G-4" (Designed Neighbourhood Shopping Area) District;
- (c) That the "G-4" (Designed Neighbourhood Shopping Area) District regulations as contained in Section 13D of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:
 - i. That notwithstanding Section 13D(1)B, a gas bar shall be permitted;
 - ii. That a landscaped strip not less than 3.0 m in width and a visual barrier not less than 1.2 m and not more than 2.0 m in height shall be provided and maintained along the entire westerly and southerly lot lines.
- (d) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1305, and that the subject lands on Zoning District Maps E-27A and E-27-B be notated S-1305;
- (e) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-27A and E-27-B for presentation to City Council;

- (f) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

6. **City Initiative 91-G, to consider a general text amendment to Zoning By-law No. 6593, as amended by By-law No. 92-281, respecting parking in the front yard for single and two-family dwellings in residential districts**

As recommended by the Commissioner of Planning and Development in a report dated 1993 February 24, the Committee recommended to Council as follows:

- A. That approval be given to amended City Initiative 91-G, for a general text amendment to Zoning By-law No. 6593, as amended by By-law No. 92-281, to further modify the front yard parking requirements for single and two-family dwellings, on the following basis:

- (a) That Section 7 of By-law No. 92-281 be further modified as follows:

- i. Clause 19(1)(v)(1) be amended by deleting the words 'required area for parking' and replacing it with the words 'area for parking, manoeuvring, and access driveway' so the clause reads as follows:

"it may be located in a required front yard provided that the area for parking, manoeuvring and access driveway shall not occupy more than 50% of the gross area of the front yard"

- ii. Clause 19(2)(vi)(1) be amended by deleting the words 'required area for parking' and replacing it with the words 'area for parking, manoeuvring, and access driveway' so the clause reads as follows:

"it may be located in a required front yard provided that the area for parking, manoeuvring and access driveway shall not occupy more than 50% of the gross area of the front yard."

- (b) That Section 8 of By-law No. 92-281 be further modified as follows:

- i. Clause 18A.(14a) be amended by adding the word "required" between the words 'a' and 'front' and to add the following words at the end of the Clause "and not less than 50% of the gross area of the front yard shall be used for a landscaped area excluding concrete, asphalt, gravel, pavers, or other similar materials" so the entire clause reads as follows:

"Except for single-family dwellings and two-family dwellings erected prior to the 14th day of December 1971, no part of a required parking area in a residential district shall be located in a required front yard and not less than 50% of the gross area of the front yard shall be used for a landscaped area excluding concrete, asphalt, gravel, pavers, or other similar materials."

- ii. Clauses 18A (14b) and 18A.(14b)(i) be amended by deleting the word "required" between the number '1971,' and the word 'parking' and deleting the word "required" between the words 'the' and 'area' so the entire clause reads as follows:

"For single-family dwellings and two-family dwellings erected prior to the 14th day of December 1971, parking may be provided and maintained in the front yard provided that:

- i. the area for parking shall not occupy more than 50% of the gross area of the front yard; and,...."
 - (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 for presentation to City Council; and,
 - (d) That the proposed changes to the Zoning By-law are in conformity with the Official Plan for the Hamilton Planning Area.
- B. That Item 1B of the Seventeenth Report of the Planning and Development Committee for 1992 be deleted and replaced as follows:

"That the Transport and Environment Committee be requested to direct the Traffic Department to amend the Council adopted "Policy respecting Boulevard Parking for One, Two and Three-Family Dwellings" to require a minimum of 50% of the boulevard area be provided and maintained as a landscaped area."

* Alderman M. Kiss, Opposed.

7. **Zoning Application 92-14, Rainy Gaglani, owner, for a modification to the established "C" District regulations, for property located at No. 121 Ivon Avenue; Normanhurst Neighbourhood**

Submissions were received by R. M. Plant, Solicitor, for R. Gaglani and a petition was submitted from the area residents.

Paul Mallard advised that the purpose of the application is to expand the residential care facility from 6 to 10 residents. He also advised that the applicant applied to the Committee of adjustment in November 1990 to increase the care facility to 8 residents and was denied. Prior to that in January 1987 the applicant applied to the Committee of Adjustment to increase from 6 to 16 and was denied.

Mr. Plant, Solicitor on behalf of the applicant stated that the application is consistent with Section C.7.3 of the residential Environment and Housing Policy which states that public agencies are encouraged to provide senior citizen housing at appropriate locations throughout the City. He explained that the building will not be modified in order to accommodate additional residents. He stated that it is not the intention of the applicant to apply for more than 10 residents in the future. Mr. Plant submitted a revised petition dated 1993 February 25 with the names of 152 resident in the area who support the application.

Arthur Mitchell, a resident of 121 Ivon Avenue, Joe Natisian of 120 Julian Avenue and Clare Price of Mohawk Road and Upper Wellington Street, whose mother would like to reside in the home were present in support of the application.

Antonio Leone of 96 Adeline Avenue is concerned with parking problems. With the presence of the school, pool and arena, it is impossible to find on-street parking. This would add to the parking problems.

Alderman Wilson added that the 2 parking spaces required for the existing residential facility have not adequately been provided. Social services advises that there are 213 vacant beds presently available in the system. He is concerned that there is no restriction on type of residential care facility and that this can change at any time. The Chairperson and Alderman Charters, concurred.

Alderman Kiss advised that Social Services does not oppose the application and neither do the surrounding residents who signed the petition. The Mayor concurred.

A discussion ensued about the possibility of temporary zoning for a three year period.

Prior to voting on the motion a recorded vote was called by Alderman Wilson.

As recommended by the Commissioner of Planning and Development in a report dated 1993 February 24 the Committee recommended to Council as follows:

That Zoning Application 92-14, Rainy Gaglani, owner, requesting a modification to the established "C" (Urban Protected Residential, etc.) District to permit expansion of a residential care facility from six (6) to ten (10) residents within the existing building, for property located at No. 121 Ivon Avenue, as shown on the attached map marked as Appendix "F", be denied for the following reasons:

- (a) It conflicts with one of the primary goals of the Residential Care Facilities By-law to provide the residents of such facilities with an opportunity to live in an environment that closely approximates a family situation. This proposal represents a 66.6% increase in the number of residents (6 to 10 residents), permitted in a "C" (Urban Protected Residential, etc.) District.
- (b) Approval of this application would encourage other similar applications which, if approved, would undermine the intent of the Residential Care Facilities By-law.
- (c) The Department of Social Services has advised that there would not seem to be a need for additional beds, in that there are approximately 213 vacant beds available in the system.

Recorded vote:

Yeas: Alderman Drury, Alderman Eisenberger, Alderman Wilson, Alderman Charters and Alderman D'Amico.

Nays: Mayor Morrow, Alderman Kiss, Alderman McCulloch and Alderman Merling.

8. Zoning Application 92-08, Faith Evangelical Lutheran Church, 1907 King Street East (Previously Tabled - Not a Public Meeting)

The Committee moved to lift from the table a report from the Commissioner of Planning and Development dated 1993 September 15 for consideration.

Mr. Rhan and John Crossingham, Solicitor, were present on behalf of the applicant.

A discussion ensued regarding attempts made at contact between the applicant and Ward Alderman.

Mr. Crossingham advised that since no Council decision was made within 30 days of the hearing the matter has been forwarded to the Ontario Municipal Board.

Alderman Eisenberger enquired if the applicants are still willing to come back to the City with a proposal to which Mr. Crossingham advised that the site plan will address the concerns.

After brief discussion the Committee resolved to recommend to Council as follows:

That Zoning Application 92-08, Faith Evangelical Lutheran Church of Hamilton, owner, requesting changes in zoning from "C" (Urban Protected Residential, etc.) District to "DE-3" (Multiple Dwellings) District modified (Block "1") and to "H" (Community Shopping and Commercial, etc.) District modified (Block "2"), and for a modification to the "H" (Community Shopping and Commercial, etc.) District (Block "3"), to permit development of the rear portion of the subject lands for a three (3) storey, 32 unit senior citizen's non-profit multiple dwelling (apartment building) in conjunction with the existing church, for property located at No. 1907 King Street East, as shown on the attached map marked as Appendix "G", be denied for the following reason:

It would be incompatible and out of character with established single-family residential development in the immediate area in terms of height, bulk, and arrangement of the proposed building.

9. DIRECTOR OF PROPERTY AND DIRECTOR OF PUBLIC WORKS

Agreement between the City of Hamilton, Canadian Pacific Limited and Glendale Realty Holdings Limited to Use a Portion of C.P. Land for Truck Access - East of Glendale Avenue North - Crown Point West Neighbourhood

Jacqueline McNeilly advised that the recommendation should be amended to authorize the Director of Public Works, the Director of Property and the City Solicitor to prepare the agreement.

The Committee approved the recommendation of the Director of Property in a report dated 1993 February 25, as amended, and recommended to Council as follows:

- (a) That an Agreement between Canadian Pacific Limited and The Corporation of the City of Hamilton and Glendale Realty Holdings Limited, authorizing the City and Glendale to use a portion of C.P. lands lying east of Glendale Avenue North between Primrose Avenue and Barton Street, as shown cross-hatched on Appendix "H" attached hereto, to provide truck access to Glendale Spinning Mills, for a period of ten years, commencing on March 1, 1993, subject to termination by any party giving ninety (90) days' written notice of termination to the other parties without liability for damages or compensation by reason of such termination, at an annual rental of \$1,200. per year for the initial five (5) years of the term and \$1,700. per year for years (6) to ten (10), be approved, with the costs charged to Account No. 5740 52010 (General Maintenance, Railway Crossings).

This agreement is subject to the following condition:

- i. C.P. making certain changes to its trackage to accommodate the occupation by the City of the Access Lands with the City being responsible for all costs associated thereto.

- (b) That an Agreement between Glendale Realty Holdings Limited and The Corporation of the City of Hamilton, regarding the use of C.P. lands being occupied, in order to minimize the use of Primrose Avenue and Glendale Avenue by trucks, be prepared in a form satisfactory to the Director of Public Works, Director of Property and City Solicitor.
- (c) That the Mayor and City Clerk be authorized to execute all necessary agreements.

10. **DIRECTOR OF LOCAL PLANNING**

The Commission on Planning and Development in Ontario (Sewell Commission) - Draft Report

As recommended in a report dated 1993 February 25 the Committee recommended to Council as follows:

- (a) That the Commission on Planning and Development Reform be requested to clarify and resolve their proposals for reform of the planning system as outlined in Appendix "T"; and,
- (b) That the City Clerk be requested to forward this report to the Sewell Commission and Hamilton-Wentworth Region.

11. **CONSENT AGENDA**

A. **ADOPTION OF THE MINUTES**

The minutes of the meeting held 1993 February 17 were approved as amended to replace the paragraph in Item 5 "Other Business" as follows:

Alderman Wilson requested that Zoning Application 92-08, 1907 King Street East (Faith Evangelical Lutheran Church) which is going before the Ontario Municipal Board be re-placed on the outstanding list of the Planning and Development Committee items. The Committee concurred.

B. **CITY SOLICITOR/BUILDING COMMISSIONER**

As recommended in a report dated 1993 February 23 the Committee recommended to Council as follows:

That the City Solicitor be authorized to make an application for special legislation to authorize a penalty section for the Zoning By-law No. 6593 and the Property Standards By-law 74-74.

C. **COMMISSIONER OF PLANNING AND DEVELOPMENT**

Neighbourhood Plan Amendments - 1993 Housekeeping Review

As recommended in a report dated 1993 February 23 the Committee recommended to Council as follows:

That approval be given to the following Neighbourhood Plan amendments: (Appendices A to Q previously forwarded to Council under separate cover)

- (a) That the approved Corktown Neighbourhood Plan be amended by designating a portion of the road allowance known as Beckley Street, as shown on Appendix "J" as Block "1", to "Commercial";
- (b)
 - i. That the approved Sheldon/Mewburn (West) Neighbourhood Plan be amended by realigning the eastern boundary to the centre of West Fifth Street, as shown on Appendix "K"
 - ii. That the approved "Sheldon/Mewburn (West)" Neighbourhood Plan be renamed to "Sheldon";
 - iii. That the approved "Mewburn (East)" Neighbourhood Plan be renamed to "Mewburn";
- (c) That the approved Kennedy West Neighbourhood Plan be amended by realigning the western boundary to the centre of Garth Street and its proposed extension, as shown on Appendix "L";
- (d) That the approved Eleanor Neighbourhood Plan be amended by redesignating the lands as shown on Appendix "M" as Block "1", from "40' Sewer Easement & Walkway" to "Single & Double";
- (e) That the approved Templemead Neighbourhood Plan be amended by redesignating the lands at 1526 Upper Ottawa Street, as shown on Appendix "N" as Block "1", from "Low Density Apartments" to "Attached Housing";
- (f) That the approved Gibson Neighbourhood Plan be amended by redesignating that lands at 37 and 39 Aikman Avenue, as shown on Schedule "O" as Block "1", from "Commercial" to "Medium Density Apartments";
- (g) That the approved Greenford Neighbourhood Plan be amended by redesignating the lands at 2825 King Street East, as shown on Appendix "P" as Block "1", from "Medium Density Apartments" to "Civic and Institutional".
- (h) That the Crerar Neighbourhood Plan be amended by redesignated the lands at 291, 293, 295, 297 and 299 Crerar Drive as shown on Appendix "Q" from "Commercial" to "Single and Double"; and,
- (i) That the following Neighbourhood Plans, as shown on Appendices "R" to "Z", be amended by changing the "single & double & attached housing" designation to separate designations ie "single & double" and "attached housing":

- | | | |
|-------------|------------|--------------------|
| • Central | • Corktown | • Crown Point West |
| • Durand | • Gibson | • Keith |
| • St. Clair | • Stinson | • McNulty |

D. DIRECTOR OF PUBLIC WORKS**(a) Westdale Village Business Improvement Area (B.I.A.) Proposed Budget and Schedule of Payments for 1993.**

As recommended in a report dated 1993 February 16 the Committee recommended to Council as follows:

- (a) That the 1993 Operating Budget of the Westdale Village B.I.A. (attached as Appendix "AA") be approved in the amount of twenty-five thousand dollars (\$25,000.); and,
- (b) That the City Treasurer be hereby authorized and directed to prepare the requisite by-law pursuant to Section 220, the Municipal Act, R.S.O. 1990, to levy the 1993 budget as referenced in (a) above; and,
- (c) That the following Schedule of Payments for 1993 be approved:

March 1	\$12,500.
September 1	\$12,500.

NOTE: 1992 Levy Arrears will be deducted from the two payments for 1993.

(b) Westdale Village Business Improvement Area (B.I.A.) - Revised Board of Management

As recommended in a report dated 1993 February 16 the Committee recommended to Council as follows:

- (a) That By-law No. 92-074 appointing the Westdale Village B.I.A. Board of Management be amended to delete the following names:

Cathy Young	Westdale Food Shoppe
Pat Hubbard	Copies Plus
Cynthia Dika	The Colour Studio
Adam Yoo	Grandma Lees

- (b) That in accordance with the provisions of subsections 6 and 8 of Section 220 of the Municipal Act, R.S.O. 1990, City Council appoint the following persons to hold office as a member of the Westdale Village B.I.A.:

Bob Basadur	Cottonwood
Dan Upsdell	Oddities

- (c) That the City Solicitor be authorized and directed to amend By-law No. 92-074 pursuant to (a) and (b) above.

(c) International Village Business Improvement Area; Expansion of Boundaries

As recommended in a report dated 1993 February 16 the Committee recommended to Council as follows:

That Item 3(a) of the Twentieth Report of the Planning and Development Committee approved by City Council at its meeting held 1992 November 24 be amended to read:

- (a) That the International Village Business Improvement Area boundaries be expanded to include the following:
 - i. Both sides of King William Street from Mary to Wellington Streets
 - ii. The east side of Mary Street from King to King William Streets
 - iii. Both sides of Ferguson Avenue from King to King William Streets
 - iv. The west side of Wellington Street from King William to Main Streets
 - v. Spring Street from King and Main Streets
 - vi. Walnut Street from King to King William Streets; and,
 - (b) That the City Clerk's Department be authorized and directed to circularize the existing B.I.A. membership and the proposed expansion area with the notice of intent to expand the boundaries of the B.I.A. and pass a new by-law in accordance with Section 220 of the Municipal Act; and,
 - (c) That the Law Department be authorized and directed to prepare the necessary by-law.
- (d) **Downtown Hamilton Business Improvement Area (B.I.A.) - Revised Board of Management**

As recommended in a report dated 1993 February 16 the Committee recommended to Council as follows:

- (a) That By-law No. 92-058 appointing the Downtown Hamilton B.I.A. Board of Management be amended to delete the following names:

Marcel Mongeon	Royal Connaught Hotel
Greg Gouthreau	Hamilton Holiday Inn
Al Spadero	Central Guaranty Trust
- (b) That in accordance with the provisions of subsections 6 and 8 of Section 220 of the Municipal Act, R.S.O. 1990, City Council appoint the following person to hold office as a member of the Downtown Hamilton B.I.A.:

Jean Edwards	Hamilton Holiday Inn
--------------	----------------------
- (c) That the City Solicitor be authorized and directed to amend By-law 92-058 pursuant to (a) and (b) above.

E. BUILDING COMMISSIONER

Demolitions:

As recommended in various reports the Committee recommended to Council as follows:

That the Building Commissioner be authorized to issue Demolition Permits for:

- (a) 1110 Upper James Street
- (b) 19 Limeridge Road East

- (c) 62 Limeridge Road East
- (d) 266 Limeridge Road East

F. **SECRETARY, PLANNING AND DEVELOPMENT**

Information Items

As recommended in a report dated 1993 February 24 the Committee received the following for information purposes:

- (a) Notice of Public Information Meeting for proposed Falkirk West Neighbourhood Plan
- (b) City Solicitor: Recent Administrative Tribunal Update Ontario Municipal Board dated 1993 February 15
- (c) Commissioner of Planning and Development: Approved Site Plan Control Applications dated 1993 February 23.

12. **DELEGATION - ALDERMAN D. AGOSTINO**

User Fees in the City of East York

The Committee moved to table this item to the next regularly scheduled meeting.

13. **OTHER BUSINESS**

The Chairperson requested that the Harbour Commissioners be invited to attend a Planning and Development Committee meeting to discuss mutual concerns.

14. **ADJOURNMENT.**

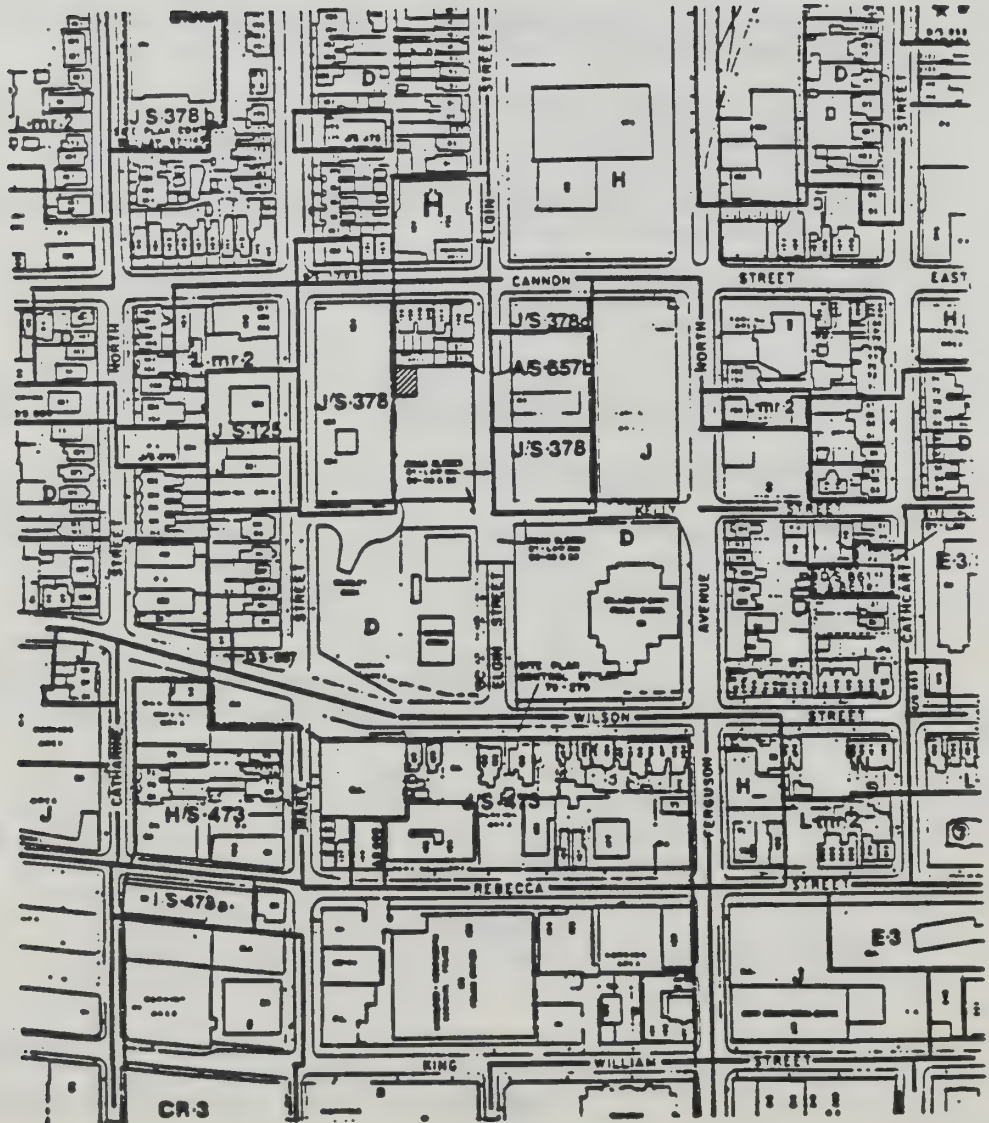
There being no further business the Committee Meeting adjourned.

TAKEN AS READ AND APPROVED,

ALDERMAN D. DRURY, CHAIRMAN
PLANNING AND DEVELOPMENT COMMITTEE

Tina Agnello,
Secretary
1993 March 3

Appendix "A" as referred
to in Section 1 of the
Minutes of The Planning
and Development Committee
Meeting held 1993 March 3



Legend



Site of the Application



ISSUES PAPER

This paper is a list of issues identified by the Advisory Committee on GO Transit. It pertains to the land surrounding the TH&B Station; however, there are issues linking to the station itself and these, too, are included in this document.

1. Vehicular Traffic

- The function of Hughson Street in terms of vehicle and pedestrian use is a major issue and must be resolved.
- Baillie Street is a quiet cul-de-sac in the middle portion of Corktown Neighbourhood. GO is proposing an access from Baillie Street to its eastern parking lot (for its tenants). There is concern this access will increase traffic volumes to an unacceptable level in Corktown Neighbourhood and on Baillie Street.¹
- Traffic control should be reviewed along John Street in the vicinity of Augusta Street due to concern about bus access to John Street from the GO Centre.
- GO Centre signs should be posted on the arterial roads to help keep traffic off the neighbourhood streets.
- Haymarket Street may be used as an alternate access to the bus area at the rear of the station. Should this happen, traffic levels in Corktown Neighbourhood will increase. Vehicle movement around the station, including Haymarket Street should be fully studied.

2. Pedestrian Traffic

- It is anticipated that pedestrian traffic in the area of the GO Station will increase. A thorough study of pedestrian and vehicular traffic in the area of John, Jackson, James and Augusta Streets, including links to the downtown core, should be undertaken.
- Facilitating pedestrian crossing of Hunter Street must be addressed as the volumes of traffic on Hunter Street will make the pedestrian crossing of Hunter Street difficult. Pedestrian crossing of Hunter Street is important because:

¹ As of October 16, 1992, GO Transit has informed the Planning Department, in writing, that this access via Baillie Street is no longer being considered.

- a) the major east-west HSR routes are on King and Main Streets; and,
 - b) the Hughson corridor will provide a main access to the downtown core and Gore Park.
- Secondary pedestrian routes should be established east and west along Hunter Street.

3. Parking

- It is GO Transit's intention to establish the Hamilton GO Centre as a service point for persons accessing Hamilton via public transit. In this regard, long-term commuter parking will not be provided by GO Transit in the vicinity of the station; that function is fulfilled by the Aldershot Station in Burlington. In light of this philosophy, the provision of other parking facilities in the area should be reviewed as some members of the Advisory Committee felt additional parking facilities should not be provided in the area. It should be noted that other members of the Committee felt that parking facilities in this area of Hamilton should be increased.
- Lighting in the two parking lots at the western and eastern ends of the station should be directed away from the neighbourhood residential areas.
- Parking controls in Corktown Neighbourhood should be reviewed in order to prevent long-term on-street parking.
- The property currently owned by the City, at the north-east corner of Hughson and Hunter Streets known as the former Health Building, is proposed for redevelopment by the Parking Authority. Redevelopment of this property should incorporate urban design principles to add to the area around the station.
- The design of any new building, either public or private, on this site should be reviewed in order to address urban design and streetscaping issues vis-a-vis the GO Centre.

4. Accessibility

- Wheelchair access, at grade, with level crossings, should be provided in the station and at the bus terminal.
- Street corners must be accessible (level crossings). Crossings should not impede the movement of either physically disabled persons or the visually impaired.
- Wheelchair access to the bus terminal at Hughson Street South and Haymarket Street should be provided.

- The steps and access from Haymarket Street should be designed as a generous and inviting space.

5. GO - HSR Links

- The main east-west HSR bus routes are on Main and King Streets. John Street South and James Street South are the major north and south routes. The following are the issues identified:
 - a) Pedestrian links to the east-west bus routes must be established on Hughson Street and enhanced.
 - b) North-south bus links at the GO Centre are in the planning phases. The existing bridges at James and John Streets are being reviewed for reconstruction. Reconstruction must be completed prior to the commencement of GO Service in order to avoid any interruption of GO Rail Service.
 - c) The main H.S.R. bus terminus should remain in Gore Park.
- The proposed replacement bridges at James and John Streets should be designed with full public consultation.
- The HSR drop off areas at James and John Streets must be resolved in order to achieve the following:
 - a) ease of access from James and John Streets for passengers;
 - b) integration of HSR Service with GO Service.

6. Heritage

- The heritage features of the T.H. & B. station, both its building and site, should be retained.
- The MacNab-Charles Heritage District should not be compromised. Hurst Street is narrow (6.0 m) and any widening of the track lands onto Hurst Street may affect the Heritage District properties.

7. Streetscaping

- Serious consideration should be given to the improvement and provision of high quality streetscape elements.

The station area should link up with such areas as the MacNab-Charles Heritage District and future Ferguson Avenue developments. Streetscape improvements

should extend into the neighbourhoods which will be most impacted by the GO Centre's development.

Streetscape elements would include and provide for, but not limited to, the following, in a comprehensive design:

- Tree Planting
 - Lighting
 - Planters and Planting
 - Seating
 - Signage
 - Bus Shelters and Stops
 - Public Telephones
 - Information Kiosks
 - Newspaper Boxes
 - Mail boxes
 - Wheelchair ramps
 - Drinking fountains
 - Bicycle Racks
 - Overhead Shelters
- Landscaping on the arterial roads and the pedestrian routes (trees and shrubbery) should be provided.
 - Building facade design and treatment should enhance the streetscape spaces.
 - Advertising features around the GO Centre should be fully evaluated.

8. Layover Yard

Because of the very grave concerns regarding the location of the layover yard at Victoria Avenue, the city should initiate urgent and thorough discussions with the GO and Rail authorities, to evaluate all alternatives for the location of the layover yard.

Specific concerns regarding the layover yard are:

- night time activity at the layover yard. Concerns include the servicing of the trains at this yard, the movement of trains at night in the yard, the internal lights in the train remaining on, noise emanating from the yard from trains running at night, i.e. air conditioning, train start-up, etc.
- overpowering air pollution from the trains.
- inadequate noise attenuation measures.
- objectionable noise attenuation measures such as high walls, etc.
- light pollution from security lights to adjacent properties.
- loss of privacy, due to the close proximity of bi-level trains.
- lack of security to the yard from City streets and school site.

- question of future use and operation of yard if planned expansion of service occurs.

Note for Information:

The Environmental Assessment approval included an approval for a layover yard at Victoria Street. The approval of this yard is subject to the fulfilment of the following conditions:

- GO Transit will consult with the local ratepayers and municipality for public input on the design and construction of the proposed Victoria Street storage yard;
- prior to the commencement of construction of the Victoria Street storage yard, GO Transit shall provide for the review and acceptance by the Ministry of Environment (MOE) Noise Assessment and Systems Support Unit, a Design and Construction Monitoring Report which details specific mitigation measures;
- GO Transit will only construct and operate the Victoria Street storage yard in accordance with the specific mitigation measures specified in the accepted report" (as noted in the previous condition).

GO Transit has hired a consultant to examine the layover yard at Victoria Street as well as other possible locations (all of which are further to the east). However, there is no requirement that GO select an alternate location to the Victoria Street yard, unless this site does not satisfy M.O.E. requirements.

9. Other

- North Corktown Park - the tracks run directly south of this park. A barrier to prevent access from the park should be provided.
- Noise emanating from the rail line in Corktown Neighbourhood should be mitigated through the provision of visually attractive noise barriers.
- There is concern about land speculation in the area of the GO Centre and that appropriate development guidelines should be established.

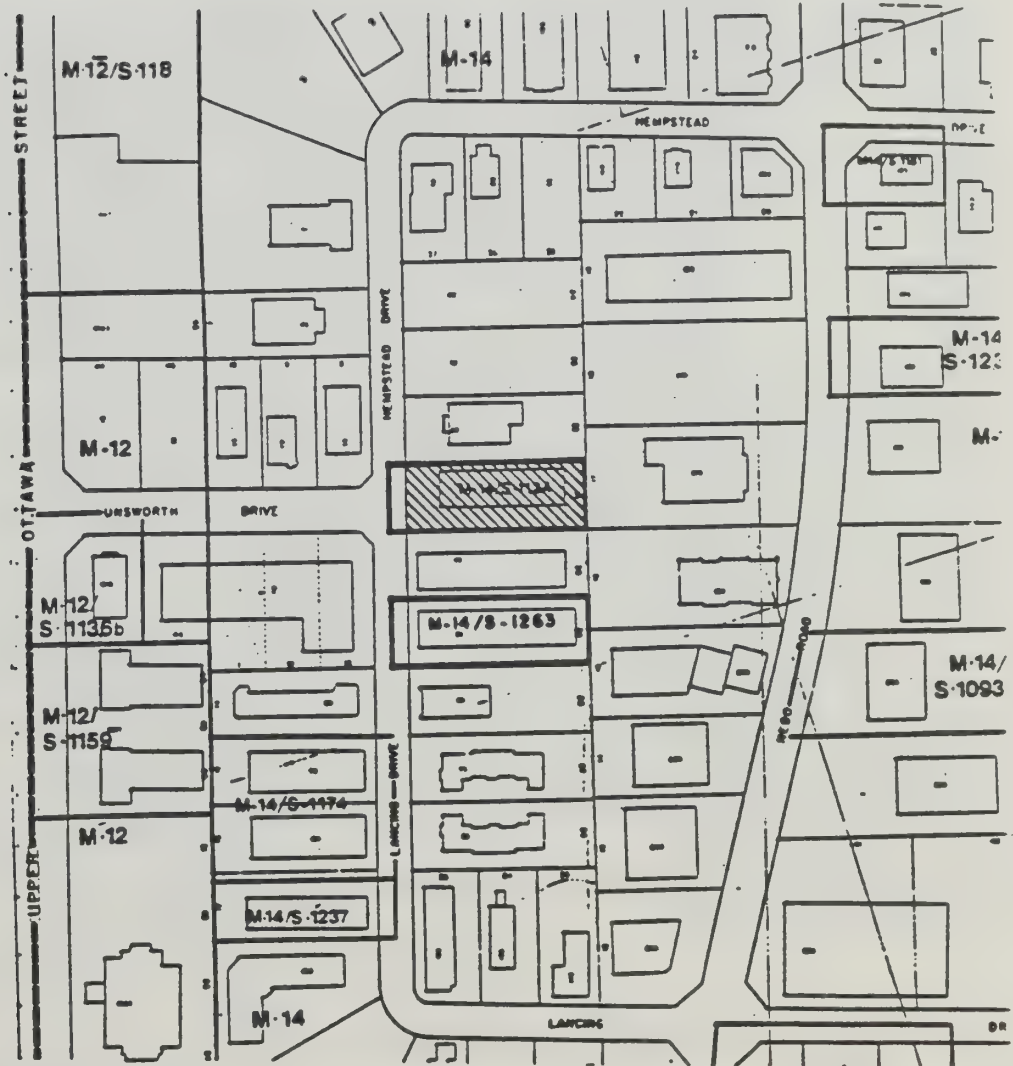
10. Co-Ordination

It was the general opinion of the Sub-Committee that there is a very real need for a highly qualified, experienced professional coordinator to ensure resolution of issues regarding the Hamilton GO Transit Centre, as outlined in the foregoing.

COMMENTS ON THE GO STATION

1. That an enclosed waiting area be provided for bus passengers adjacent to the bus loading area.
2. That provision be made for taxi drop-off and pick-up at the rear of the station building (on Haymarket Street) to serve bus passengers.
3. That GO Transit examine ways to improve passenger safety in crossing the bus platform from the waiting area to Haymarket Street and Hughson Street. The current proposal will require passengers to cross the bus platform (the area where buses drive into and out of the station) in order to access Hughson Street and Haymarket Street.
4. That GO Transit incorporate the following features into the station design to provide safety and security for its passengers:
 - a) benches in the public areas of the station and the bus waiting area;
 - b) appropriate lighting in waiting areas and stairwells;
 - c) emergency telephones;
 - d) retail operations (e.g. coffee shop, newspaper kiosk) with operating hours coinciding with train and bus arrivals/departures;
 - e) information on links to other transit opportunities (e.g. Canada Coach, HSR);
 - f) a map of Hamilton to orient passengers to the City;
 - g) signs indicating access to other facilities (e.g. Copps Coliseum, Hamilton Place) in the area.
5.
 - a) Wheelchair access, at grade, with level crossings, should be provided in the station and at the bus terminal.
 - b) Wheelchair access to the bus terminal at Hughson Street South and Haymarket Street should be provided.

Appendix "D" as referred
in Section 4 of the
Minutes of The Planning
and Development Committee
Meeting held 1993 March 3



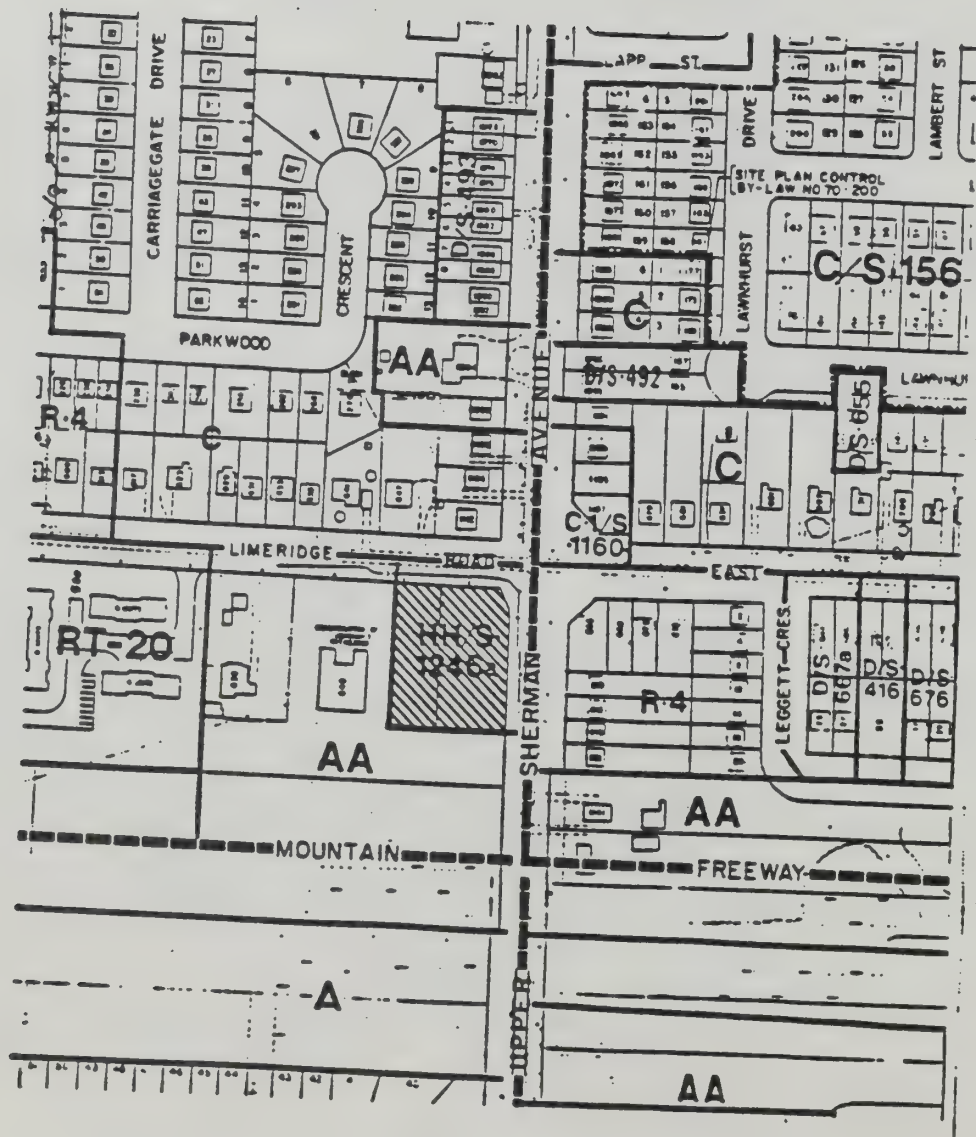
Legend



Site of the Application



Appendix "E" as referred
to in Section 5 of the
Minutes of The Planning
and Development Committee
Meeting held 1993 March 3



Legend



Site of the Application



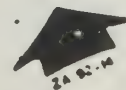
Appendix "F" as referred to to
in Section 7 of the Minutes
of The Planning and
Development Committee
Meeting held 1993 March 3



Legend






Site of the Application



Appendix "G" as referred
in Section 8 of the
Minutes of The Planning
and Development Committee
Meeting held 1993 March 3



- Legend
- | | | |
|---------|---|---|
| BLOCK 1 |  | Change in zoning from "C" (Urban Protected Residential, etc.) District to "DE-3" (Multiple Dwellings) District, modified. |
| BLOCK 2 |  | Change in zoning from "C" (Urban Protected Residential, etc.) District to "H" (Community Shopping and Commercial, etc.) District, modified. |
| BLOCK 3 |  | Modification to the "H" (Community Shopping and Commercial, etc.) District regulations. |



2A-90-00

[illegible]

CANADIAN PACIFIC LIMITED

Toronto Division

7/15/2011 10:00 AM

7/15/2011 10:00 AM

2000-0000

16-06-1

47-202-10

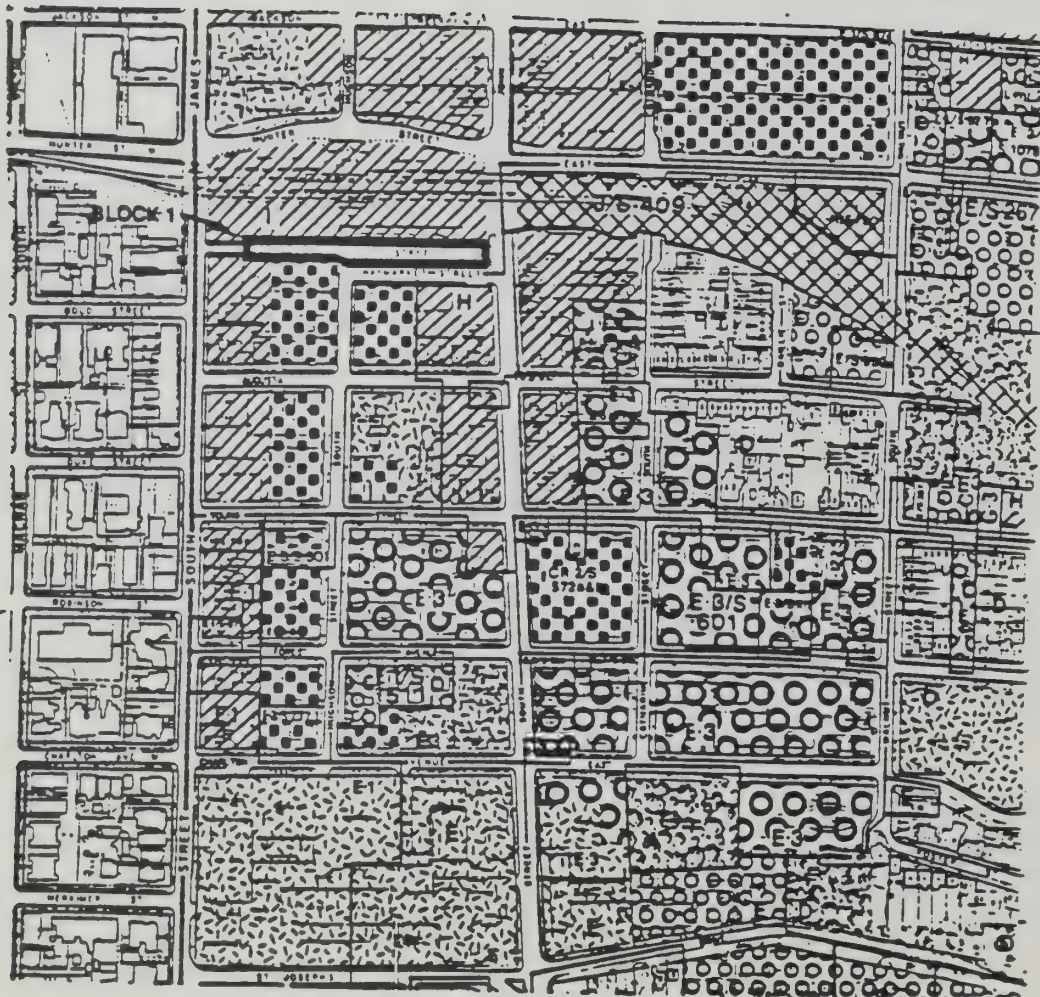
Summary of Recommendations to the Sewell Commission

The following is a list of recommendations to the Sewell Commission in response to proposals in the December, 1992, Draft Report:

1. *To add a new purpose in the Planning Act: to create a built environment that is a good place to live.*
2. *Subject the proposed Policy Statements to a more formalized Provincial/Municipal consultation.*
3. *Identify ways in which financial and representational links between municipalities and conservation authorities would have to be improved in order for watershed studies to be more effectively integrated into the municipal plan development process.*
4. *Reassess the need to amend the Planning Act to require detailed studies for all official plan amendments, the criteria for which amendment should be limited to, and, allowing municipalities to identify time periods during the year in which plan amendments will be received.*
5. *Define a process which would enable local municipalities to play a mediation role between the proponent and the community with respect to site specific official plan amendments by requiring the proponent to: provide information on how the project fits with municipal plans; and, consult with the community, prior to submitting a proposal for a plan amendment.*
6. *The City of Hamilton supports the Commission's recommendation that, once a lower-tier plan conforming to an approved upper-tier plan has been approved by the upper-tier, authority to approve plans or plan amendments be transferred to the lower-tier.*
7. *A public participation process for site plan control applications is redundant, especially where design guidelines have been approved.*
8. *Where staff is delegated the authority to approve minor variances for up to 10% from the controls, it be planning staff delegated such authority.*
9. *The need for two public meetings for plans, plan amendments and comprehensive zoning by-laws cannot be supported.*
10. *Ensure that the prehearing to discuss an appeal to the Ontario Municipal Board also include identification of the issues to be addressed at the full hearing.*

11. *Define criteria for judicial review of planning decision in the Planning Act.*
12. *Establish terms of reference for a study to explore the aspects of the relationship between private and public interests in the planning system which have not been fully documented in the Draft Report.*
13. *Amend the Stage 1 of the Transitional Matters to exclude all applications (ie. Official Plans and amendments, zoning by-law amendments, site plan control, plans of subdivision, and severances) that have been approved by Council.*

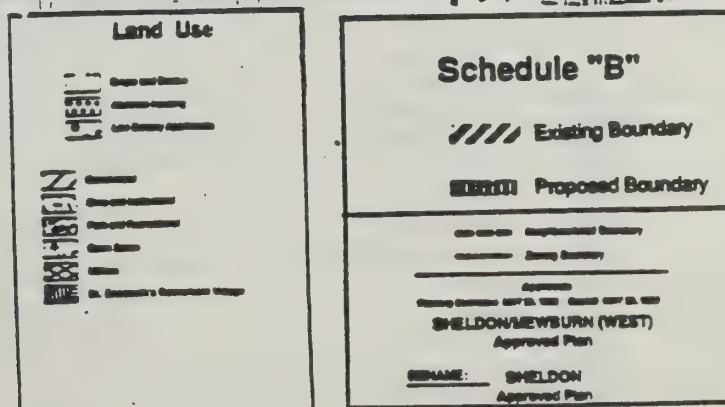
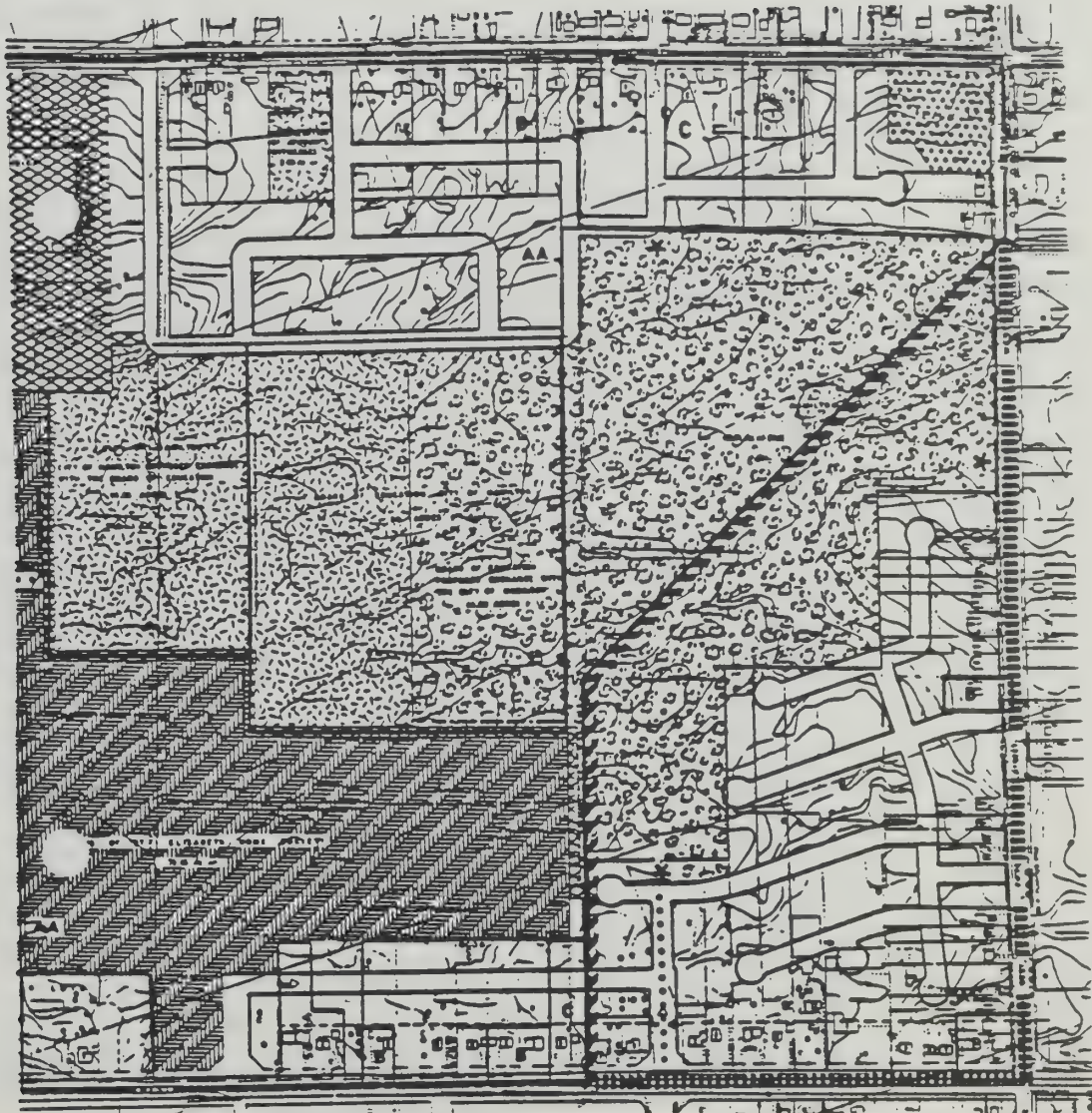
Appendix "J" as referred
in Section 11 C(a) of the
Minutes of The Planning
and Development Committee
Meeting held 1993 March 3



LAND USE	
RESIDENTIAL	
	single & double
	detached housing
	low density apartments
	medium density apartments
	high density apartments
	commercial & apartments
COMMERCIAL	
	INDUSTRIAL
	GOV & INSTITUTIONAL
	PARK & RECREATIONAL
	OPEN SPACE
	UTILITIES

Schedule "A"	
BLOCK 1	From "Road Allowance" to "Commercial"
<p>--- Proposed Boundary</p> <p>--- Existing Boundary</p> <p>--- Options</p> <p>--- Existing Boundary (1993) & 1994 (1993) & 1995 (1993)</p>	
<p>CORKTOWN Approved Plan</p>	

Appendix "K" as referred
to in Section 11 C(b)i.
of the Minutes of The
Planning & Development Com.
Meeting held 1993 March 3



RESIDENTIAL

- ### Schedule "C"

/// Existing Boundary

Proposed Boundary

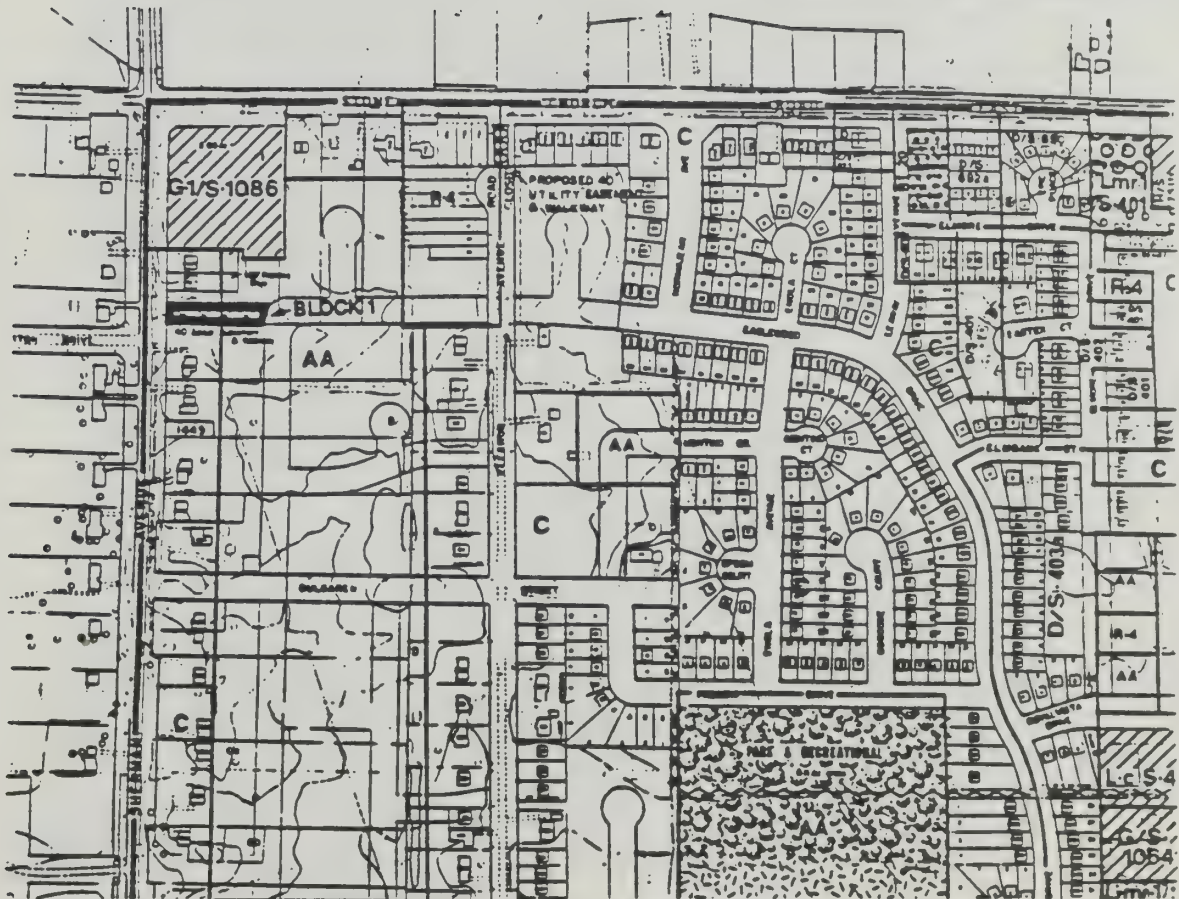
See also: *Representational Distance*

Appendix

1990-1991 1991-1992 1992-1993 1993-1994 1994-1995 1995-1996 1996-1997 1997-1998 1998-1999 1999-2000 2000-2001 2001-2002 2002-2003 2003-2004 2004-2005 2005-2006 2006-2007 2007-2008 2008-2009 2009-2010 2010-2011 2011-2012 2012-2013 2013-2014 2014-2015 2015-2016 2016-2017 2017-2018 2018-2019 2019-2020 2020-2021 2021-2022 2022-2023 2023-2024 2024-2025 2025-2026 2026-2027 2027-2028 2028-2029 2029-2030 2030-2031 2031-2032 2032-2033 2033-2034 2034-2035 2035-2036 2036-2037 2037-2038 2038-2039 2039-2040 2040-2041 2041-2042 2042-2043 2043-2044 2044-2045 2045-2046 2046-2047 2047-2048 2048-2049 2049-2050 2050-2051 2051-2052 2052-2053 2053-2054 2054-2055 2055-2056 2056-2057 2057-2058 2058-2059 2059-2060 2060-2061 2061-2062 2062-2063 2063-2064 2064-2065 2065-2066 2066-2067 2067-2068 2068-2069 2069-2070 2070-2071 2071-2072 2072-2073 2073-2074 2074-2075 2075-2076 2076-2077 2077-2078 2078-2079 2079-2080 2080-2081 2081-2082 2082-2083 2083-2084 2084-2085 2085-2086 2086-2087 2087-2088 2088-2089 2089-2090 2090-2091 2091-2092 2092-2093 2093-2094 2094-2095 2095-2096 2096-2097 2097-2098 2098-2099 2099-2100 2100-2101 2101-2102 2102-2103 2103-2104 2104-2105 2105-2106 2106-2107 2107-2108 2108-2109 2109-2110 2110-2111 2111-2112 2112-2113 2113-2114 2114-2115 2115-2116 2116-2117 2117-2118 2118-2119 2119-2120 2120-2121 2121-2122 2122-2123 2123-2124 2124-2125 2125-2126 2126-2127 2127-2128 2128-2129 2129-2130 2130-2131 2131-2132 2132-2133 2133-2134 2134-2135 2135-2136 2136-2137 2137-2138 2138-2139 2139-2140 2140-2141 2141-2142 2142-2143 2143-2144 2144-2145 2145-2146 2146-2147 2147-2148 2148-2149 2149-2150 2150-2151 2151-2152 2152-2153 2153-2154 2154-2155 2155-2156 2156-2157 2157-2158 2158-2159 2159-2160 2160-2161 2161-2162 2162-2163 2163-2164 2164-2165 2165-2166 2166-2167 2167-2168 2168-2169 2169-2170 2170-2171 2171-2172 2172-2173 2173-2174 2174-2175 2175-2176 2176-2177 2177-2178 2178-2179 2179-2180 2180-2181 2181-2182 2182-2183 2183-2184 2184-2185 2185-2186 2186-2187 2187-2188 2188-2189 2189-2190 2190-2191 2191-2192 2192-2193 2193-2194 2194-2195 2195-2196 2196-2197 2197-2198 2198-2199 2199-2200 2200-2201 2201-2202 2202-2203 2203-2204 2204-2205 2205-2206 2206-2207 2207-2208 2208-2209 2209-2210 2210-2211 2211-2212 2212-2213 2213-2214 2214-2215 2215-2216 2216-2217 2217-2218 2218-2219 2219-2220 2220-2221 2221-2222 2222-2223 2223-2224 2224-2225 2225-2226 2226-2227 2227-2228 2228-2229 2229-2230 2230-2231 2231-2232 2232-2233 2233-2234 2234-2235 2235-2236 2236-2237 2237-2238 2238-2239 2239-2240 2240-2241 2241-2242 2242-2243 2243-2244 2244-2245 2245-2246 2246-2247 2247-2248 2248-2249 2249-2250 2250-2251 2251-2252 2252-2253 2253-2254 2254-2255 2255-2256 2256-2257 2257-2258 2258-2259 2259-2260 2260-2261 2261-2262 2262-2263 2263-2264 2264-2265 2265-2266 2266-2267 2267-2268 2268-2269 2269-2270 2270-2271 2271-2272 2272-2273 2273-2274 2274-2275 2275-2276 2276-2277 2277-2278 2278-2279 2279-2280 2280-2281 2281-2282 2282-2283 2283-2284 2284-2285 2285-2286 2286-2287 2287-2288 2288-2289 2289-2290 2290-2291 2291-2292 2292-2293 2293-2294 2294-2295 2295-2296 2296-2297 2297-2298 2298-2299 2299-2300 2300-2301 2301-2302 2302-2303 2303-2304 2304-2305 2305-2306 2306-2307 2307-2308 2308-2309 2309-2310 2310-2311 2311-2312 2312-2313 2313-2314 2314-2315 2315-2316 2316-2317 2317-2318 2318-2319 2319-2320 2320-2321 2321-2322 2322-2323 2323-2324 2324-2325 2325-2326 2326-2327 2327-2328 2328-2329 2329-2330 2330-2331 2331-2332 2332-2333 2333-2334 2334-2335 2335-2336 2336-2337 2337-2338 2338-2339 2339-2340 2340-2341 2341-2342 2342-2343 2343-2344 2344-2345 2345-2346 2346-2347 2347-2348 2348-2349 2349-2350 2350-2351 2351-2352 2352-2353 2353-2354 2354-2355 2355-2356 2356-2357 2357-2358 2358-2359 2359-2360 2360-2361 2361-2362 2362-2363 2363-2364 2364-2365 2365-2366 2366-2367 2367-2368 2368-2369 2369-2370 2370-2371 2371-2372 2372-2373 2373-2374 2374-2375 2375-2376 2376-2377 2377-2378 2378-2379 2379-2380 2380-2381 2381-2382 2382-2383 2383-2384 2384-2385 2385-2386 2386-2387 2387-2388 2388-2389 2389-2390 2390-2391 2391-2392 2392-2393 2393-2394 2394-2395 2395-2396 2396-2397 2397-2398 2398-2399 2

KENNEDY WEST
Approval Plan

Appendix "M" as referred
in Section 11 C (d) of the
Minutes of The Planning
and Development Committee
Meeting held 1993 March 3



LAND USE	
RESIDENTIAL	
	single & double
	attached housing
	low density apartments
	medium density apartments
	high density apartments
	commercial & apartments
	COMMERCIAL
	INDUSTRIAL
	CIVIC & INSTITUTIONAL
	PARK & RECREATIONAL
	OPEN SPACE
	UTILITIES

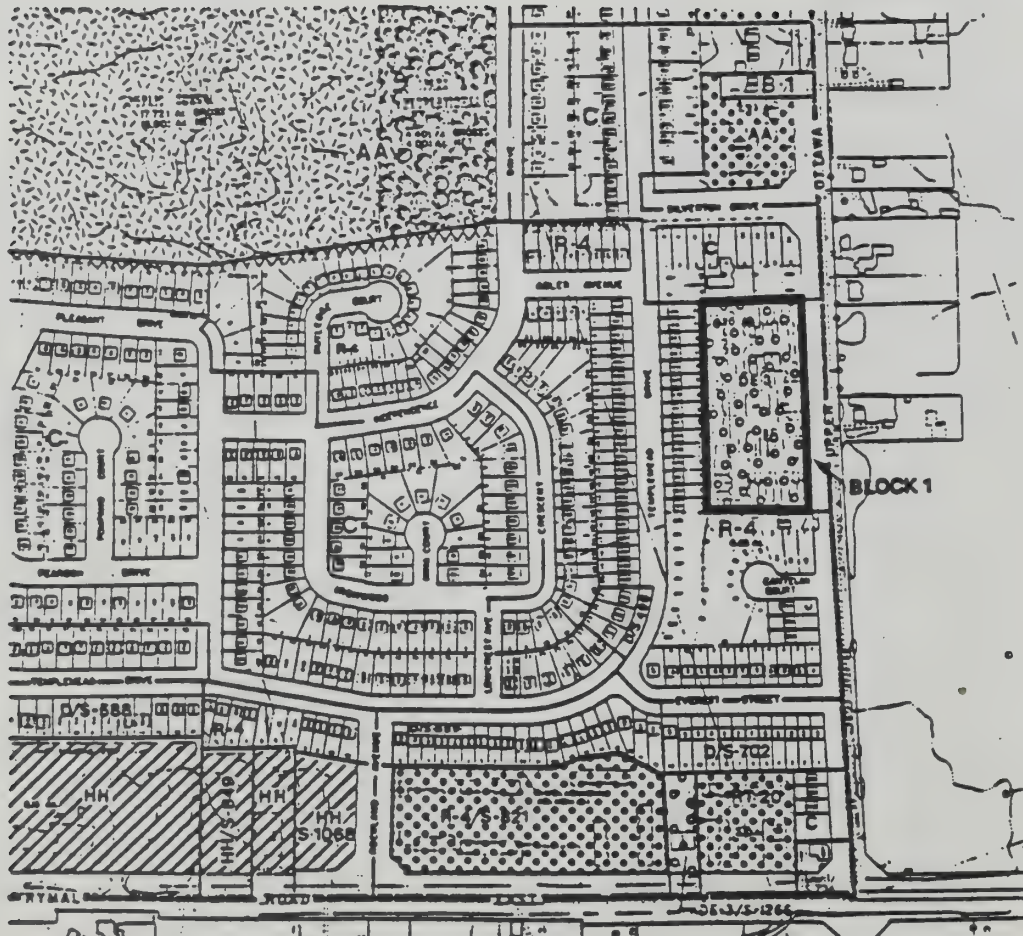
Schedule "D"

BLOCK 1 From "40' Sewer Easement & Walkway" to "Single & Double"

Proposed Boundary
 Zoning Boundary

Approved
ELEANOR
 Approved Plan

Appendix "N" as referred
to in Section 11 C(e)
of the Minutes of The
Planning & Development Com.
Meeting held 1993 March 3



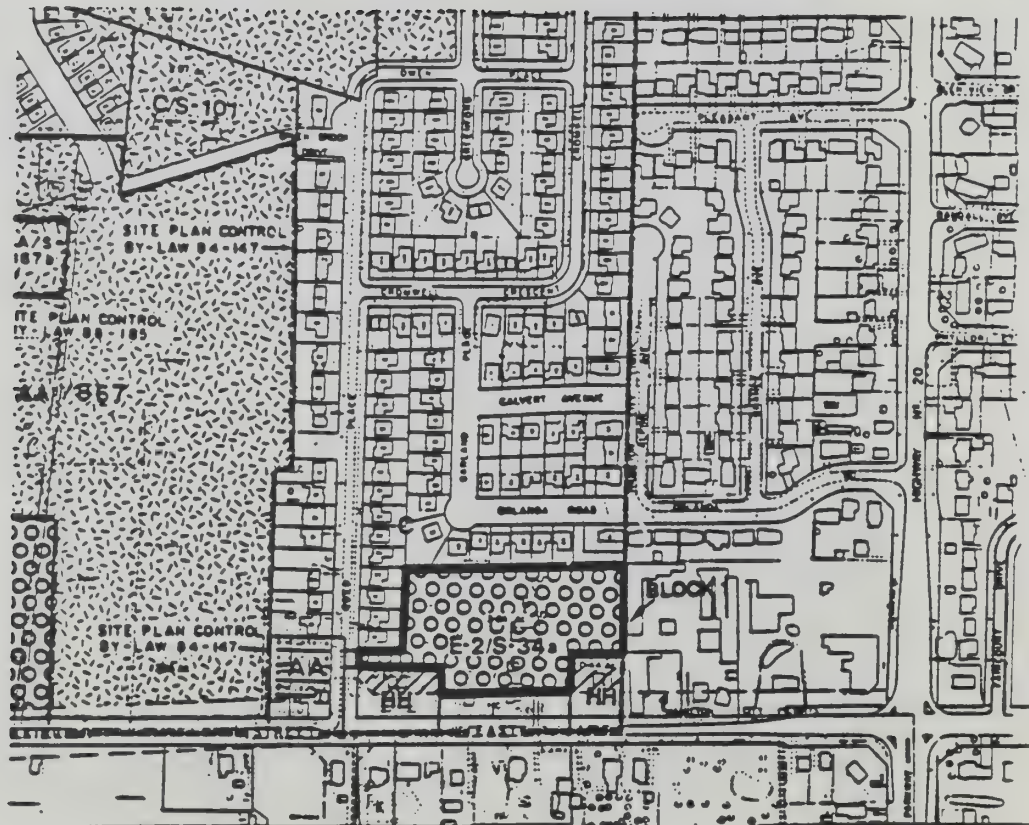
LAND USE	
RESIDENTIAL	
	single & double
	attached housing
	low density apartments
	medium density apartments
	high density apartments
	condominiums & apartments
	COMMERCIAL
	INDUSTRIAL
	CIVIC & INSTITUTIONAL
	PARK & RECREATIONAL
	OPEN SPACE
	UTILITIES

Schedule "E"	
BLOCK 1	From "Low Density Apartments" to "Attached Housing"
<p> Representative Council Planning Committee City Council </p> <p> TEMPLEMEAD Approved Plan </p>	

[illegible]**RESIDENTIAL**

- ORSON**
Approved Plan

Appendix "P" as referred
in Section 11 C(g) of the
Minutes of The Planning
and Development Committee
Meeting held 1993 March 3



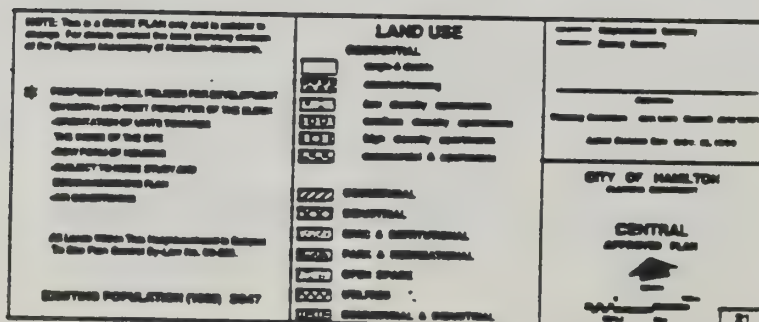
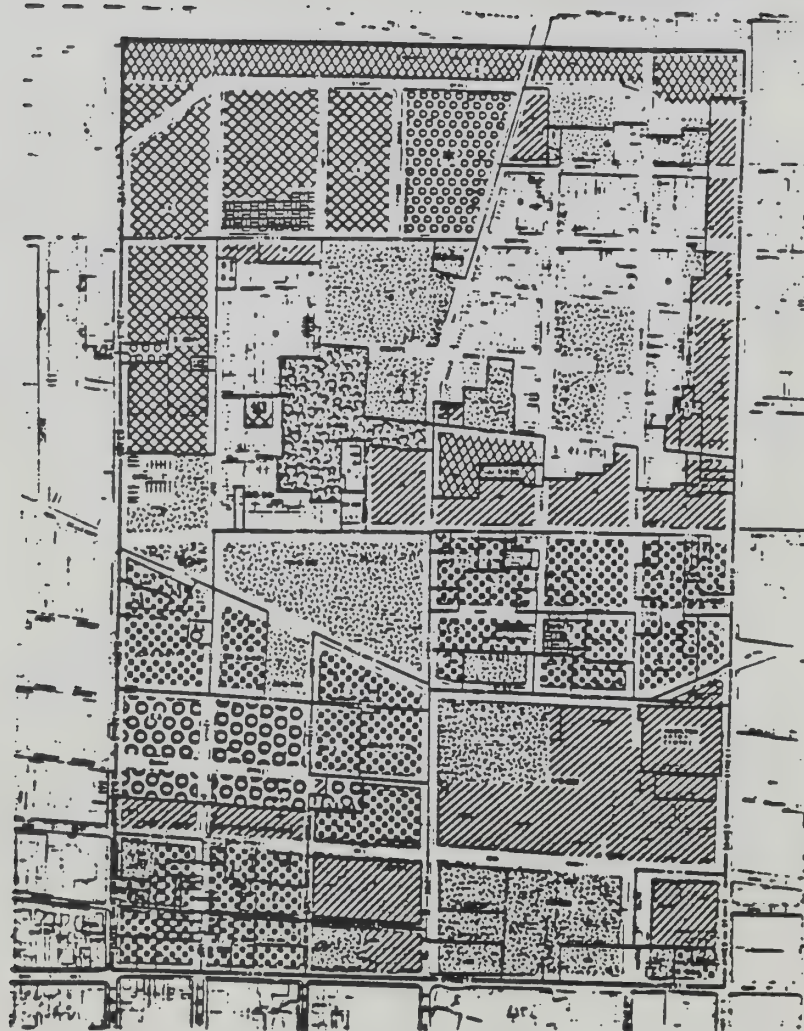
LAND USE	
RESIDENTIAL	
	single & double
	attached housing
	low density apartments
	medium density apartments
	high density apartments
	commercial & apartments
	COMMERCIAL
	INDUSTRIAL
	CIVIC & INSTITUTIONAL
	PARK & RECREATIONAL
	OPEN SPACE
	UTILITIES

Schedule "G"	
BLOCK 1	From "Medium Density Apartments" to "Civic & Institutional"
<p>--- Neighborhood Boundary</p> <p>--- Block Boundary</p> <p>--- Approval</p> <p>Planning Committee June 15, 1997 Council May 14, 1997</p> <p>BREEDFORD Approved Plan</p>	

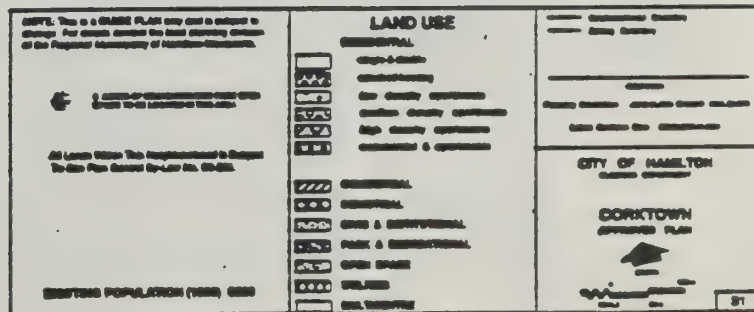
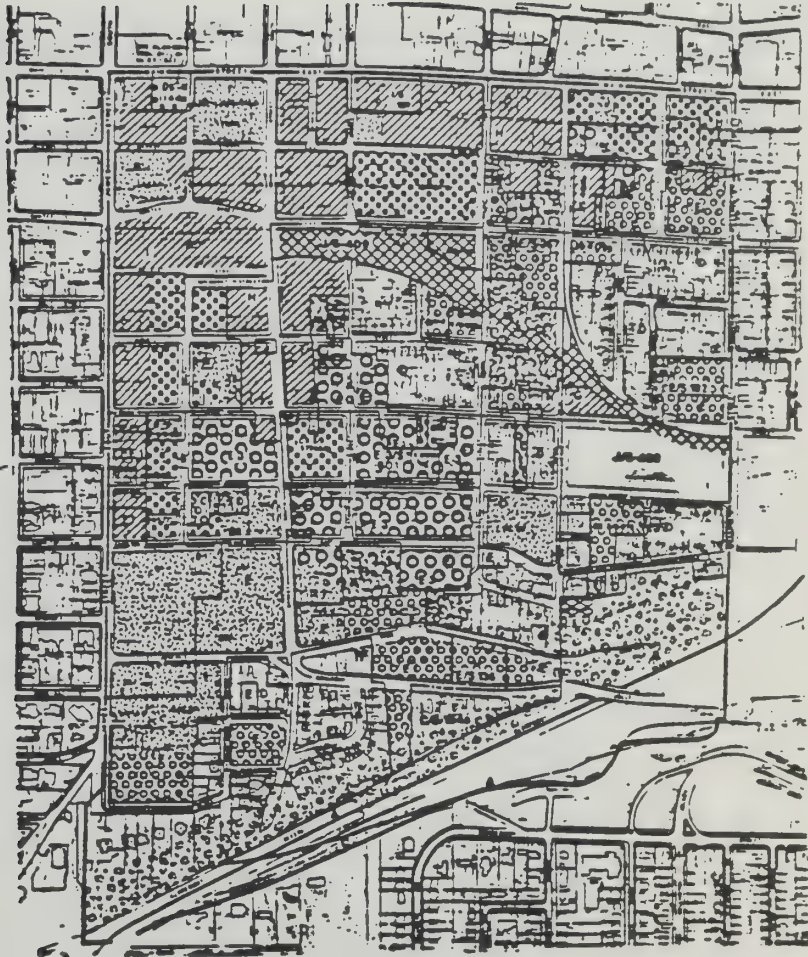
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<h1>Schedule "H"</h1>	
<div style="border: 1px solid black; padding: 5px; display: inline-block;"> BLOCK 1 </div>	<p>From "Commercial" to "Single and Double"</p>
<p> <input type="checkbox"/> One-Sided Unemployment Guaranty <input type="checkbox"/> Commercial Single Guaranty </p> <hr/> <p> Approved CRERAR Approved Plan </p>	

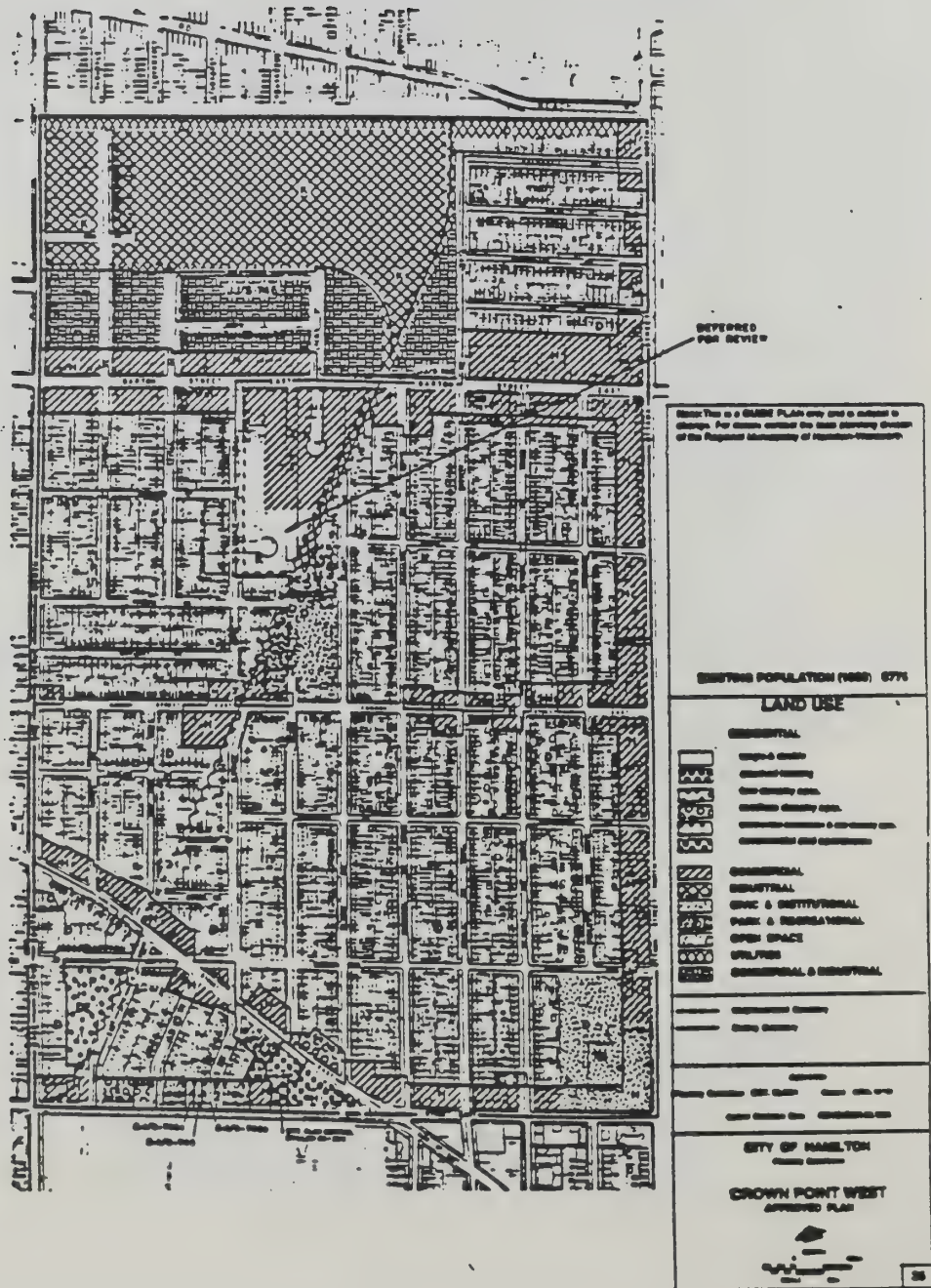
Appendix "R" as referred to
in Section 11 C(i) of the Minutes
of The Planning and
Development Committee
Meeting held 1993 March 3



Appendix "S" as referred
in Section 11 C(i) of the
Minutes of The Planning
and Development Committee
Meeting held 1993 March 3

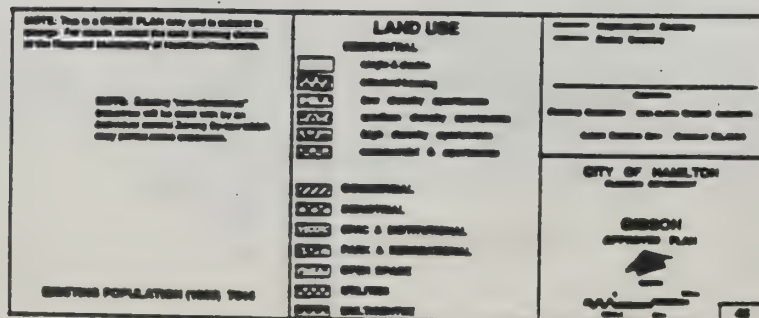
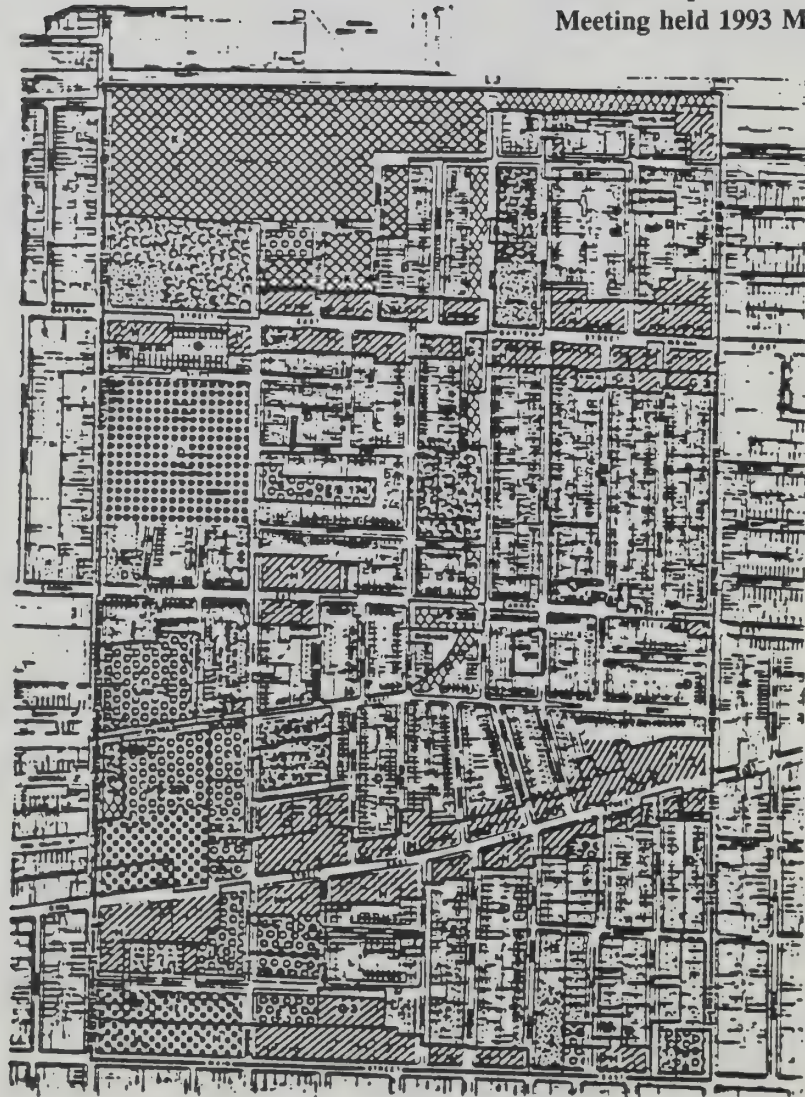


Appendix "T" as referred
to in Section 11 C(i)
of the Minutes of The
Planning & Development Com.
Meeting held 1993 March 3

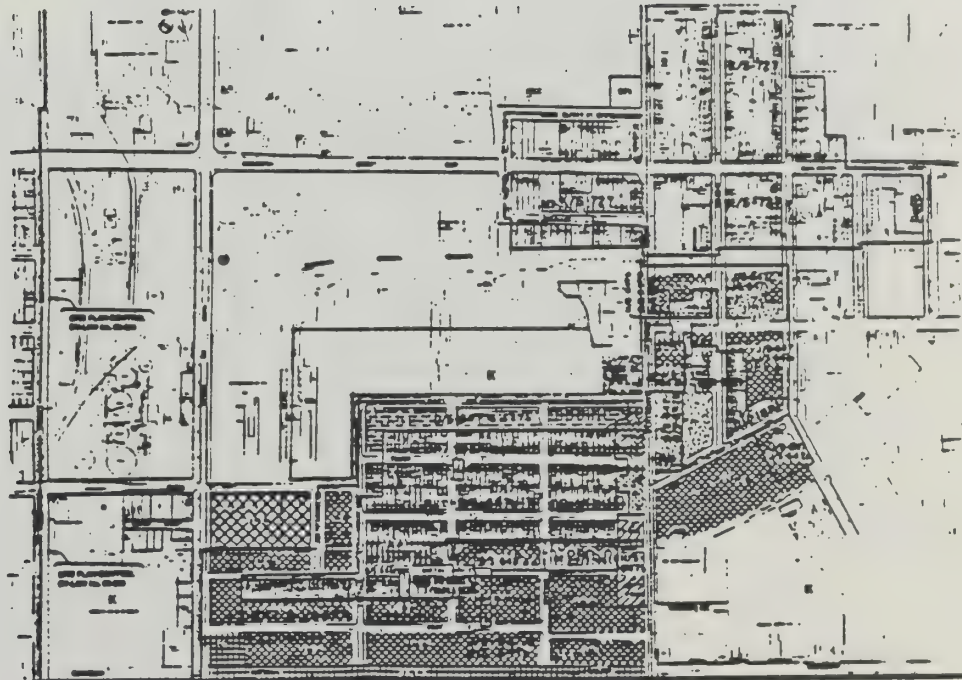




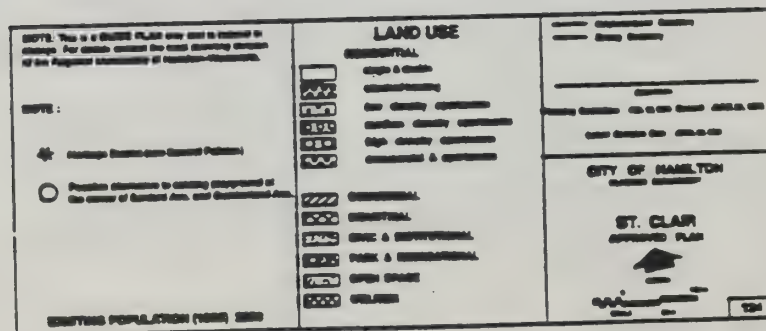
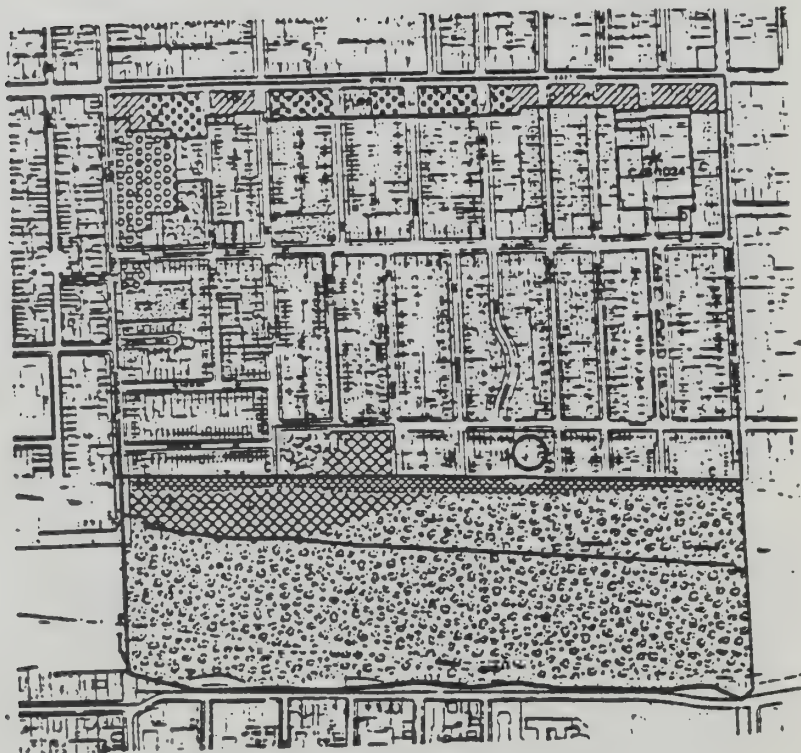
Appendix "V" as referred
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Minutes of The Planning
and Development Committee
Meeting held 1993 March 3

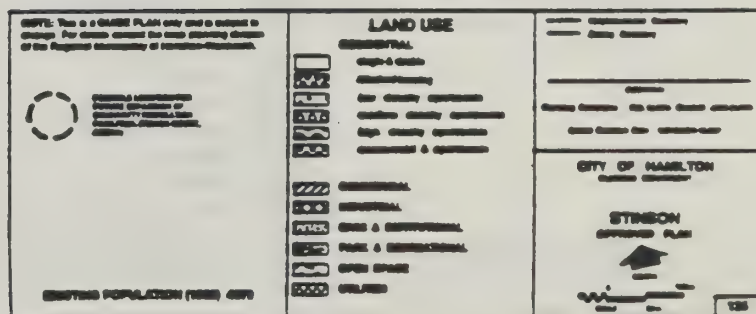


Appendix "W" as referred
to in Section 11 C(i)
of the Minutes of The
Planning & Development Com.
Meeting held 1993 March 3

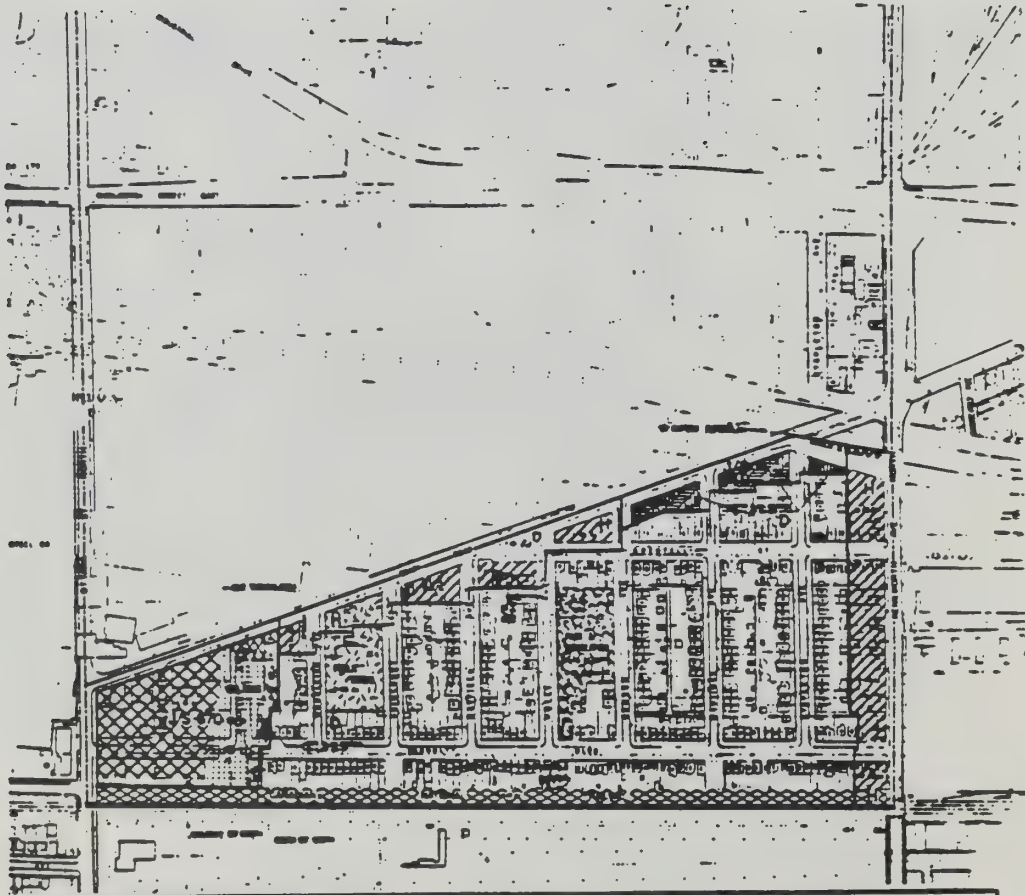


Appendix "X" as referred to
in Section 11 C(i) of the Minutes
of The Planning and
Development Committee
Meeting held 1993 March 3





Appendix "Z" as referred
to in Section 11 C(i)
of the Minutes of The
Planning & Development Com.
Meeting held 1993 March 3



<p>NOTE: This is a SLIDE PLAN and is subject to change for details across the last working session of the Regional Municipality of Hamilton-Wentworth.</p> <p>NOTE: UNDERSHADE INDUSTRIES TO BE AT A DISTANCE OF 100 METRES MINIMUM FROM RESIDENTIAL DESIGNATIONS.</p> <p>SEE POLICIES OF PLAN</p> <p>EXISTING POPULATION (1986) 916</p>	<p>LAND USE</p> <p>RESIDENTIAL</p> <p>Single-Detach Medium-Density *Transport / Landscape</p> <p>COMMERCIAL INDUSTRIAL CIVIC & INSTITUTIONAL PARK & RECREATIONAL OPEN SPACE UTILITIES Refer To Written Policies For Details *COMMERCIAL / INDUSTRIAL</p>	<p>Regulatory Boundary Study Boundary</p> <p>OFFICIAL LINE</p> <p>Approved Planning Committee (CPL) 26.01.93 Council 27.01.93 CPL 26.01.93 27.01.93</p> <p>CITY OF HAMILTON PLANNING DEPARTMENT</p> <p>Mc ANULTY APPROVED PLAN</p> <p>73</p>
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Appendix "AA" as referred to
in Section 11 D(a) of the Minutes
of The Planning and
Development Committee
Meeting held 1993 March 3

1993 BUDGET

Advertising (including 2 sidewalk sales, and September Festival)	\$7,500.
Festival and Promotion	12,000.
Flower Program	2,500.
Meetings	1,000.
Financial Charges	400.
Insurance	1,600.
<u>TOTAL</u>	<u>\$25,000.</u>

Authorized December 14, 1992 General Meeting

B.

CITY OF HAMILTON

- RECOMMENDATION - RECEIVED

MAR 08 1993

CITY CLERKS

DATE: 1993 March 8

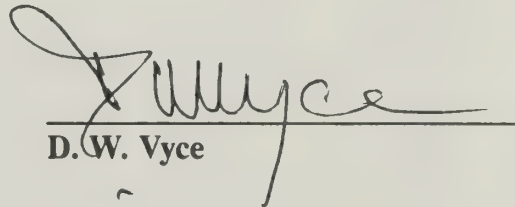
REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. D. W. Vyce
Director of Property

SUBJECT: Release of Building Covenants
120 Nebo Road, Hamilton
Lot 19, Plan M-227
Hamilton Industrial Park No. 1
City Sale to Elio Marchetti
Construction Covenants as Contained in
City Deed 209743 L.T. and 209744 L.T.

RECOMMENDATION:

That the Mayor and City Clerk be authorized to execute the necessary documents to release the property at 120 Nebo Road, Hamilton (Lot 19, Hamilton Industrial Park No. 1, Plan M-227), from the construction covenants to the City as contained in Deed Instrument Numbers 209743 L.T. and 209744 L.T., registered on September 22, 1987.


D.W. Vyce

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

In adopting Item #25 of the 7th Report of the Planning and Development Committee, City Council on April 14, 1987 approved the sale of Lot 19, Hamilton Industrial Park No. 1, Plan M-227, to Elio Marchetti (Expert Boiler Service).

1993 March 8
Planning and Development Committee
Page 2

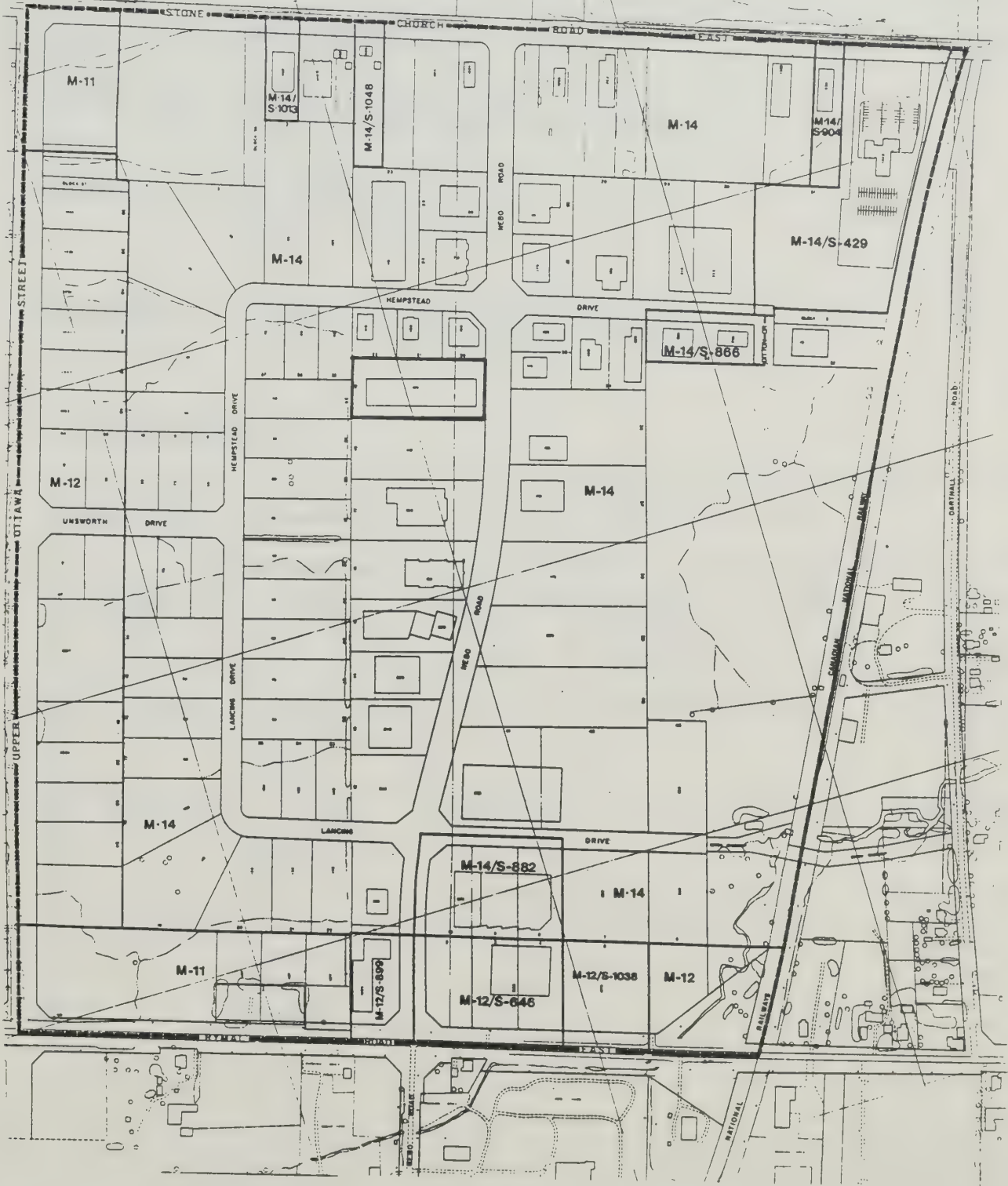
The transaction was completed on September 22, 1987, and the proposed building has been completed.

This department supports the request of the owner that the City of Hamilton release the construction covenants contained in Deed Instrument Numbers 209743 L.T. and 209744 L.T., in order to clear the title. All covenants as noted above have been fulfilled.

DJC/klb

c.c. P. Noé Johnson, City Solicitor
Attention: D. Powers

(20.1.278 - 2738)



C.

CITY OF HAMILTON
- RECOMMENDATION -

RECEIVED

MAR 09 1993

DATE: 1993 February 25

CITY CLERKS

REPORT TO: Ms. T. Agnello, Secretary
Planning and Development Committee

FROM: Mr. D. Lobo
Director of Public Works

SUBJECT: Closure of Public Works Department
Community Renewal Section Capital Projects

RECOMMENDATION:

That the City Treasurer be directed to close the following Capital Project accounts with any excess funding to be transferred to its original source of financing:

Capital Centre Number	Project Description	Authorized Gross Cost	Expended/ Committed To Date	Balance Available	Source Of Financing
a) 428303000	Downtown Action Plan Phase 1	3,529,000.00	3,529,000.00	0.00	Cap. Levy/ Debentures
b) 428403000	Downtown Action Plan Phase 2	1,603,000.00	1,599,382.06	3,617.94	Debenture/ CAIP Loan
c) 428702000	PRIDE - Crown Point West/ Stipley	800,000.00	800,000.00	0.00	Reserve Cap. Proj./ Debentures

d) 429102002	PRIDE - Anti- Recession Program	800,000.00	799,858.86	141.14	Cap. Levy
TOTAL		6,732,000.00	6,728,240.92	3,759.08	

D. LOBO
D. LOBO, DIRECTOR OF PUBLIC WORKS
FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

See above recommendation.

BACKGROUND:

The work related to all of the above-noted projects has been completed and, therefore, the affected accounts can be closed.

DL/dh

c.c. Mr. A. C. Ross, City Treasurer
Treasury Department
Attention: Mr. N. R. Adhya

D (a)

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1993 March 10
P5-2-10A

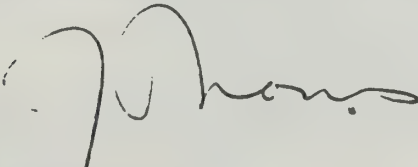
REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

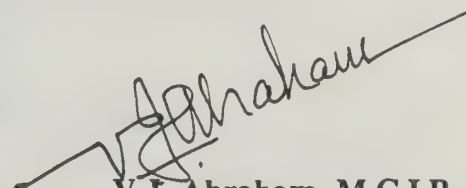
SUBJECT: Amendment to the approved Beasley Neighbourhood Plan -
Carter Square

RECOMMENDATION:

That the approved Beasley Neighbourhood Plan be amended as shown on Appendix "A".



J.D. Thoms, M.C.I.P.
Commissioner,
Planning and Development Department



V.J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Carter Square Neighbourhood Plan Amendment

At its meeting of March 25, 1992, the Planning and Development Committee approved an amendment to the Beasley Neighbourhood Plan for land known as "Carter Square". The lands affected by the amendment are located in the block bounded by Elgin Street, Barton Street East, Cathcart Street, and Cannon Street East. The amendment redesignated land from "Commercial" and "Industrial" to a variety of residential densities (see

(10) C
Appendix "B"). On March 31, 1992, City Council adopted the recommendation of the Planning and Development Committee.

- Zoning Application 91-61

This application was submitted to rezone a portion of the lands within the Carter Square area from "H" (Community Shopping and Commercial, etc.) District to "E-3" (High Density Apartments) District to permit a mixed development of stacked townhouses and two apartment buildings at 2.56 coverage of the lot area.

At its meeting of March 31, 1992, City Council approved an amended zoning application to an "E" (Multiple Dwellings, Lodges, Clubs, etc.) District, modified, to permit up to 2.0 times coverage of the lot area which complied with the revised Beasley Neighbourhood Plan. The amending By-law was appealed to the Ontario Municipal Board.

- Ontario Municipal Board Hearing

On February 24, 25, and 26, 1993, the Board conducted the hearing on the Carter Square rezoning. On the afternoon of the third day, the proponent was able to reach an agreement with the objectors to resolve the objections. The proponent and the objectors agreed to the following resolution:

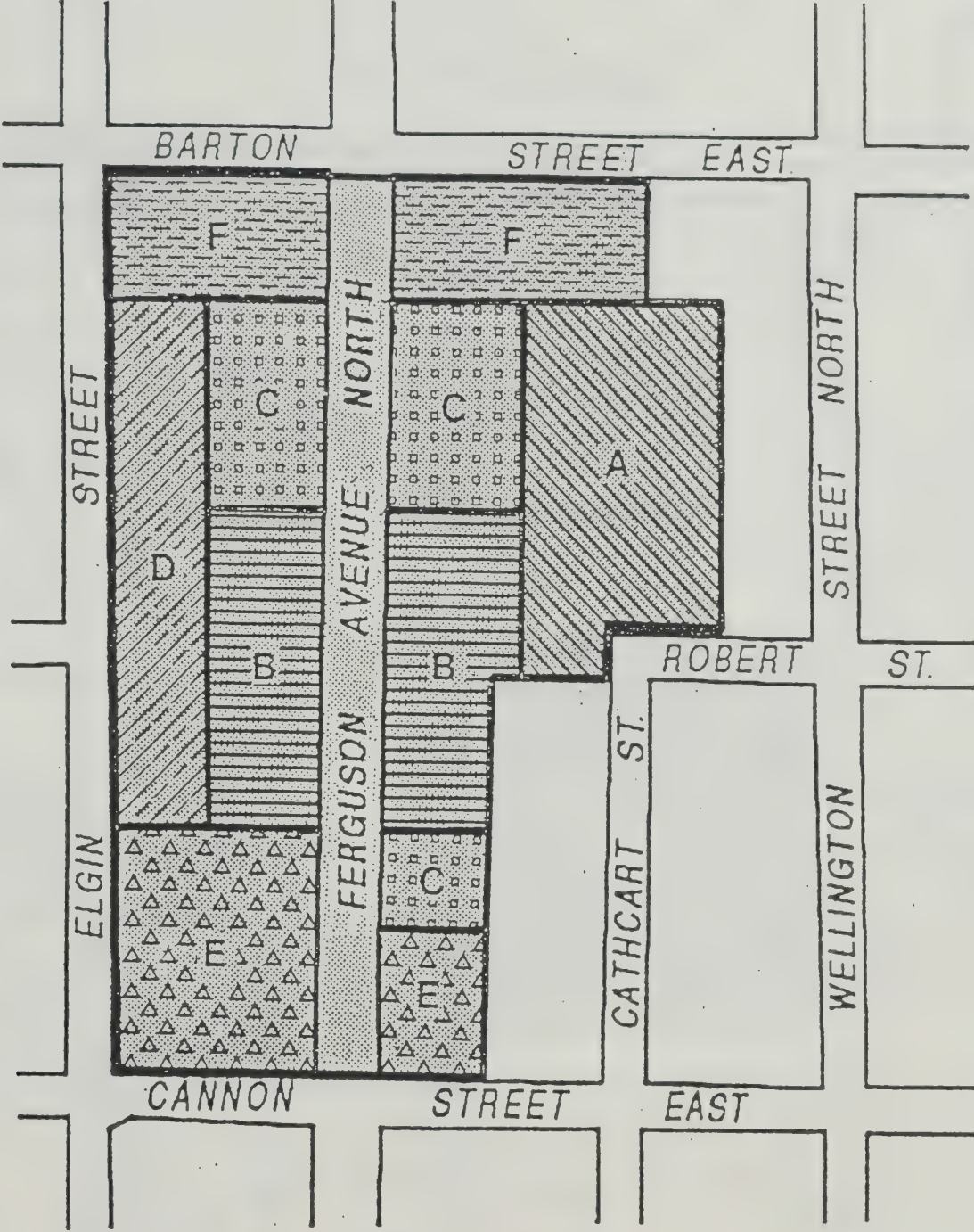
- a floor area ratio of 1.7 times coverage of the lot area; and,
- limiting the heights of the apartment buildings on Ferguson Avenue to eight storeys in height (as opposed to the ten storeys previously approved).

As part of this resolution, it was agreed that the approved neighbourhood plan would be amended to reflect the settlement reached at the hearing. Accordingly, the Beasley Neighbourhood Plan should be amended in accordance with the map shown on Appendix "A". It should be noted that the settlement reached is consistent with the intent of the original Carter Square Neighbourhood Plan Amendment and differs only in that the development approved by the Board is slightly less (i.e. approximately thirty units) than that approved by Council.

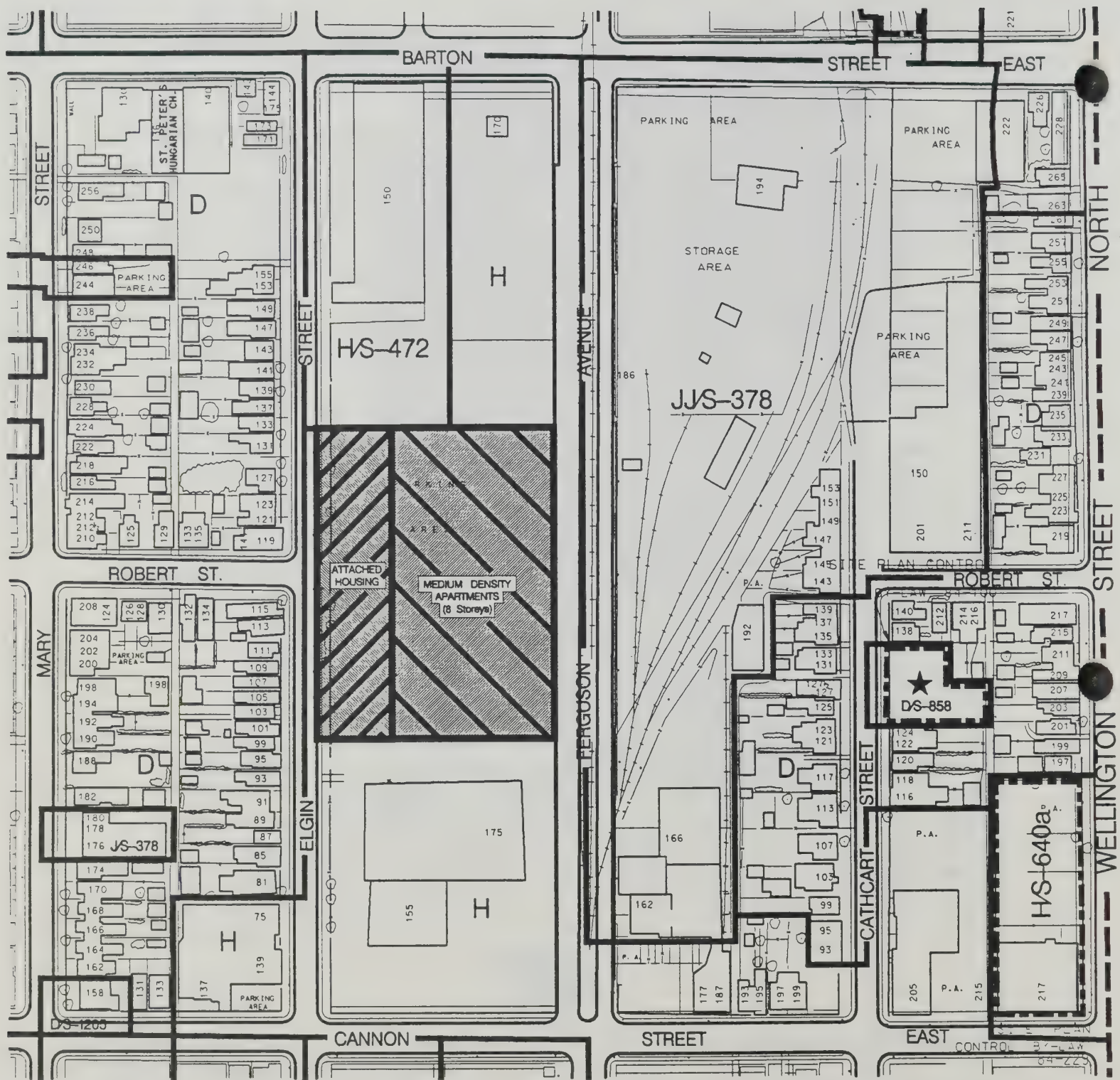
CONCLUSION:

On the basis of the foregoing, the approved Beasley Neighbourhood Plan should be amended in accordance with Appendix "A".

MLT:mlt



- | | |
|---|--|
| A - LOW DENSITY APTS. (3.5 STOREY STACKED TOWNHOUSES) | D - MEDIUM DENSITY APTS. (3.5 STOREYS) |
| B - MEDIUM DENSITY APTS. (10 STOREYS) | E - COMMERCIAL |
| C - MEDIUM DENSITY APTS. (8 STOREYS) | F - COMMERCIAL & APARTMENTS |



D (b)

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1993 March 16
(P5-2-92)

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

RECEIVED

MAR 17 1993

CITY CLERKS

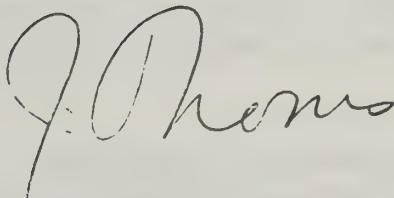
SUBJECT:

C.P. Rail Bridges at Poulette, Ray and Pearl Streets; Kirkendall North Neighbourhood.

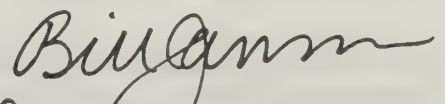
RECOMMENDATION:

That the Transport and Environment Committee be requested to:

- 1) Request the National Transportation Agency (N.T.A.) to reactivate the City of Hamilton's application for funding for the construction of a pedestrian bridge to replace the former Poulette Street Bridge, at the expense of C.P. Rail, based on the public demand for this bridge; and,
- 2) Direct staff of the Roads Department and Public Works Department to review the condition and need for maintenance of the bridges at Pearl and Ray Streets, to ensure that sufficient funds are provided by the appropriate agency or agencies to keep these bridges in good repair for pedestrian use, and notify C.P. Rail of any deficiencies.



J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department



for **V. J. Abraham, M.C.I.P.**
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The three wooden bridges at Poulette, Ray and Pearl Streets, owned by C.P. Rail, have been closed to vehicular traffic for some time. The Poulette Street bridge was demolished in 1986; and the Pearl and Ray bridges were closed to vehicles in 1968 and 1988, respectively, and are still open to pedestrians.

These bridges have required repeated repairs due to the deterioration of the wooden decks and railings; and have caused safety concerns for the residents in the surrounding neighbourhood. There have also been concerns related to vandalism and loitering in the vicinity of the bridges.

The Poulette Street bridge was demolished in late 1986 due to the failure of several wooden stringers supporting the deck. On October 7, 1991, the City of Hamilton submitted an application to the National Transportation Agency (N.T.A.) for the reconstruction of a wooden pedestrian bridge to replace this bridge, at C.P. Rail's expense. C.P. questioned the need for the bridge, and the N.T.A. requested an environmental impact study.

As a result of ongoing problems with the cost sharing, future maintenance costs and the need for the environmental impact statement, the Poulette Street bridge issue is still under review by the N.T.A.

Several inquiries have been received from the public concerning the status of the bridges. It was recommended that a neighbourhood public meeting be held to discuss the demand and options for the bridges, as removal of the bridges will necessitate an amendment to the Kirkendall North Neighbourhood Plan.

PUBLIC MEETING COMMENTS:

The Transport and Environment Committee, at their meeting of November 30, 1992, recommended that the Planning and Development Committee be requested to hold a neighbourhood public meeting "to discuss and review the options regarding the future status of the Pearl, Poulette and Ray Street Bridges over the C.P. Rail." This matter was felt to be a planning issue, in part, due to the impact of the bridges on local neighbourhood land use and character. In addition, the bridges are contained in the approved Kirkendall North neighbourhood plan. All options were to be considered at the public meeting, including the possible removal of one or more of the bridges.

Accordingly, a public meeting was arranged jointly by staff of affected departments, and held on January 27, 1993. Approximately 70 citizens attended this meeting, the minutes of which are attached as "Appendix A". Written submissions from the public were received during, as well as following the meeting.

The following is a summary of the comments received from the public meeting:

- Almost all citizens present were in favour of the reconstruction of a bridge at Poulette Street, to serve pedestrians walking to/from Main Street and within the neighbourhood;

- There is considerable demand for retention of the existing pedestrian bridges, at Pearl Street and at Ray Street;
- Some residents also favour the reopening of the Pearl and Ray Street bridges to vehicular traffic, as well as pedestrians, although this is a less popular option; and,
- Other related issues in the neighbourhood, such as safety, vandalism and loitering, were felt to be separate issues which should be dealt with independently of the demand for the bridges.

The residents and business people of the area feel that there is a definite need for a pedestrian bridge at Poulette Street. They stated that such a bridge would improve poor accessibility within the neighbourhood which exists due to the railway corridor, which impedes travel especially for school children, seniors, and the disabled.

ANALYSIS:

Staff of the various departments were circulated for comments concerning options for the pedestrian bridges, and had the following comments:

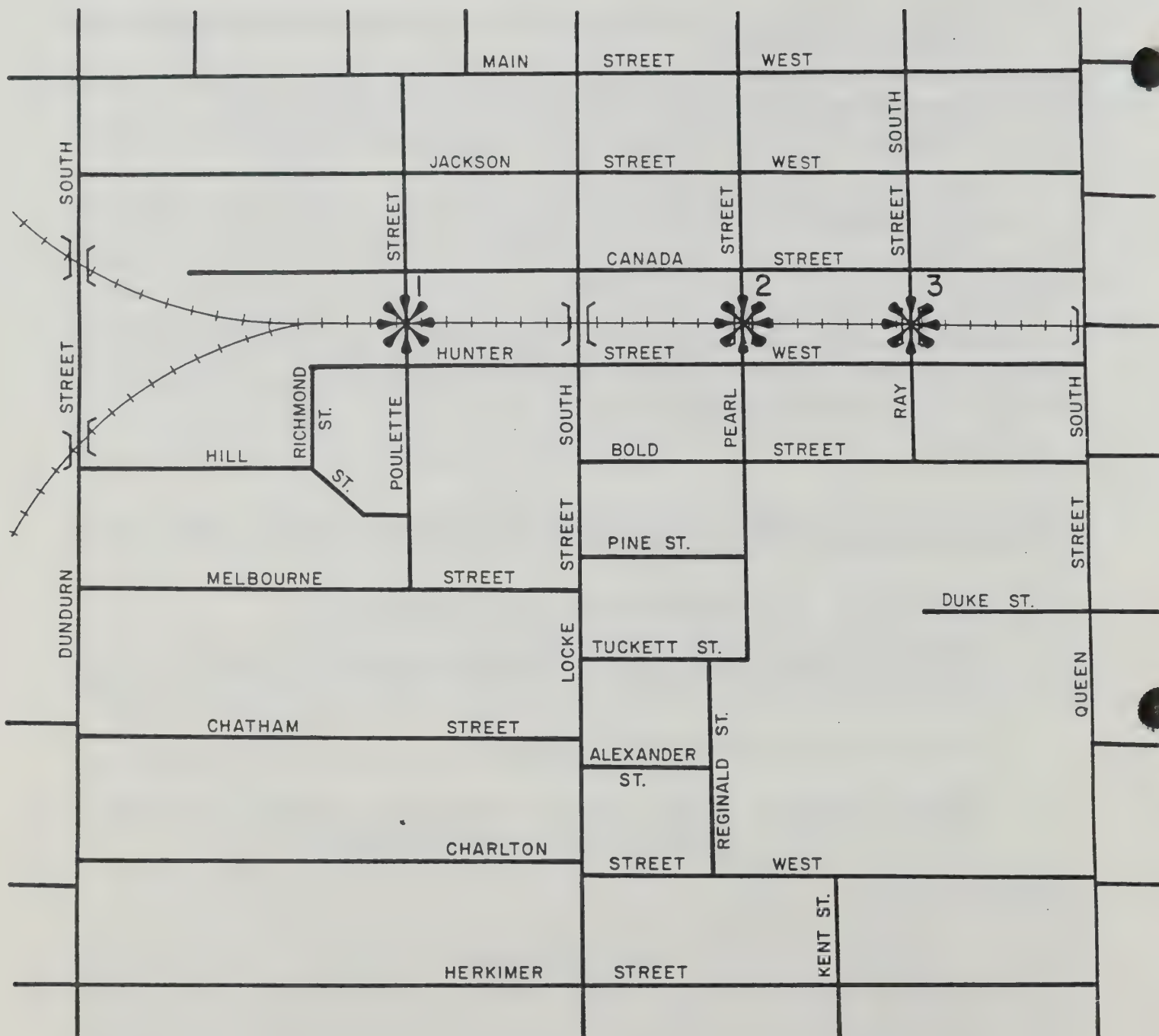
- Public Works - Had no objections to the removal of the bridges;
- Traffic Department - Would support maintaining the Ray Street bridge for pedestrian traffic only;
- Fire and Police Departments - Had no objections to possible removal of bridges; and,
- Planning Department - Felt that public input important in determining need for bridges, including their role in providing accessibility in the neighbourhood.

CONCLUSIONS:

Based on the comments received from the public meeting, there appears to be considerable demand for the reconstruction of the Poulette Street bridge, to improve accessibility across the C.P. Rail corridor. Therefore, it is felt that the Poulette Street bridge should be rebuilt. The N.T.A. should be requested to reconsider the City's application for funding, based on the public demand for the bridge.

There is also considerable demand for retention of the pedestrian bridges at Pearl and Ray Streets, with Pearl Street generating slightly higher demand. The condition and need for maintenance of these bridges should be reviewed, to ensure that sufficient funds are provided by the appropriate agency or agencies to keep these bridges in good repair. It is felt that C.P. Rail is responsible for keeping these bridges in good repair, since they fall under their jurisdiction.

Further public input should be obtained prior to finalizing the design of the Poulette Street bridge, and if any other changes in the status of the bridges are anticipated. If any of the bridges are removed, an amendment to the approved Kirkendall North neighbourhood plan would be needed.



C.P. RAILWAY BRIDGES/CROSSINGS:

- 1 POULETTE ST. - Demolished 1986
- 2 PEARL ST. - Closed to vehicles in 1968; open to pedestrians.
- 3 RAY ST. - Closed to vehicles in 1988; open to pedestrians.

Appendix "A"

C.P.R. BRIDGES IN KIRKENDALL NEIGHBOURHOOD

MINUTES OF JANUARY 27, 1993 PUBLIC MEETING

UNDER THE AUSPICES OF THE PLANNING AND DEVELOPMENT COMMITTEE

The public meeting was held Wednesday, January 27, 1993 at 7:30 p.m. in the Gymnasium of St. Joseph's School, at 270 Locke Street South (at Locke and Herkimer).

There were present:

Ald. Mary Kiss	Alderman, Ward 1
Ald. Terry Cooke	Alderman, Ward 1
Reg Meiers	Public Works Department
Geoff Aston	Roads Department
Colin Beitz	Roads Department
Vanessa Grupe	Planning Department
Barry Singer	C.P. Rail
P.C. Kurt Platz	Hamilton-Wentworth Police
P.C. Colin Hardy	Hamilton-Wentworth Police

Approximately 70 residents

1. INTRODUCTION

Alderman Terry Cooke opened the meeting by welcoming those present. He noted the history of the railways and related bridges in the area. He noted that the purpose of the meeting was to discuss the present status of the bridges at Poulette, Ray and Pearl Streets, and to obtain comments from the public on the options for rebuilding or demolishing the bridges.

Alderman Mary Kiss also welcomed those present, and noted the attempts which have been made to have the Poulette Street bridge rebuilt.

2. PRESENTATIONS

Vanessa Grupe outlined the location of the bridges in the neighbourhood. They were closed to vehicles due to their poor condition and wooden construction. The Poulette St. bridge was demolished in 1986; the Pearl St. bridge was closed to vehicles in 1968, and the Ray

St. bridge was closed to vehicles in 1988. The Pearl and Ray St. bridges are both open to pedestrians. A proposal to reconstruct a pedestrian bridge at Poulette St. was put on hold, pending cost-sharing arrangements. Other concerns have been raised regarding the bridges, such as maintenance and vandalism, resulting in this meeting.

The Kirkendall North Neighbourhood Plan was discussed, which indicates the preferred future land use for this area. This plan will require amendment if there are changes to the nature of the bridges. Public input is an important part of the planning process.

Reg Meiers provided information concerning the railway issues. The National Transportation Agency (N.T.A.) is a federal agency which governs all railway matters. The Region handles all railway matters on behalf of the City. Maintenance of these bridges is done by C.P. Rail. The City applied to the N.T.A. for the replacement of the Poulette Street bridge in October, 1991, at C.P.Rail's expense; C.P. questioned the need for the bridge, and the N.T.A. requested an environmental impact study.

This public meeting is being held to help determine the needs of the neighbourhood residents. Comments have been received from various agencies and other municipal departments regarding the bridges, which were summarized by Colin Beitz, and are as follows:

- Public Works has no objections to the removal of the bridges;
- Traffic Dept. would support maintaining Ray Street bridge for pedestrian traffic only;
- Fire and Police Departments have no objections to possible removal of bridges.

He also noted that there were 55 pedestrians using the Ray St. bridge, counted during a 7 hour period, and 142 on the Pearl St. bridge, as of October 30, 1990.

3. COMMENTS FROM THE PUBLIC

Members of the public provided the following comments and questions :

- 1) Hank Kubiak, 117 Ray St. S., noted that the Ray Street bridge, it has become a hangout area for a gang; is used by the City to dump garbage such as salt; and has made it difficult for him to sell his house. He prefers a road access here.
- 2) Joe Schnitzer, 100 Ray St. S., said that the closing of the Ray St. bridge to vehicles has created a hangout. He uses the bridge daily. He suggested a pedestrian bridge, less than the whole width of the bridge.
- 3) Jan Mavrinac, 120 Ray St. S., suggested that either the whole Ray St. bridge should be torn down and the area cleaned up, or it should be rebuilt as a full bridge and opened to vehicles. She cited a number of problems, including the graffiti on the

concrete barriers; the holes being cut in the bridge deck and in the fence; objects being thrown at passing trains by youths; and associated policing problems.

- 4) Claudette Paterson, 101 Ray St. S., said that she has called police regarding the teens, who chop up the boards and cut the fence. C.P recently repaired holes in the Ray St. bridge, after three weeks of waiting. She feels that the police don't patrol here now. If it is opened to vehicles, there would need to be restricted access.
- 5) Bob Jacques, of 148 Canada St. said that it has been better since the Poulette St. bridge was demolished. The bridge was a nuisance, with motorcycles and youths. Now, traffic has been reduced, and people have to walk around, which is healthy. He suggests that all bridges be removed, and the embankments be repaired instead.
- 6) Jim Lyons, 50 Melbourne St., felt that the fences and bridges must be kept in good repair, or youths could get hurt. He feels it is inconvenient for people to walk around, ie. to buses on Main St., and Hill St. park, and that all three pedestrian bridges are needed.
- 7) May Toth, 9 Richmond St., would like the Poulette St. bridge rebuilt. She presently has to walk 3 blocks to Main St. She asked how this review of the need for the bridges relates to the Region's ideas regarding sustainable development.
- 8) Ann Fenner, 374 Hunter St. W., does not want a Poulette St. bridge open to vehicles, but only to pedestrians. She feels that there are 2 houses too close for a road here. Seniors in the area have had difficulty in getting to Main St. Regarding the problems with the Ray St. bridge, namely the youths, she feels that the neighbourhood as a whole needs to talk about the children and their morals/values; that a different type of discussion forum needs to be held on this issue.
- 9) Jim Petrie, 85 Ray St. S., said he likes where he lives. He said that the problems in the area of the Ray St. bridge may not be criminal yet, but will soon be. The City and police will have a serious problem on their hands. The bridge should be taken out entirely, or opened to vehicles as well as pedestrians.
- 10) Ms. Rosemary Todd, 13 Richmond St., has concerns about the kids hanging out in the area. She said she did not receive a notice regarding the meeting. Her house was robbed recently, after she feels it was cased by young people. This was their second break-in in one and a half years. She is opposed to a pedestrian walkway at Poulette.
- 11) Penelope Thomas, 135 Canada St., said that she agrees about the benefits of walking, but she doesn't have time to walk around. The Poulette St. bridge is needed to provide important access to Allanby School, which has an expanding population. The issue of kids under the bridge is a separate safety issue, which needs to be addressed

by appropriate experts, such as police. The needs of the entire community should not be jeopardized due to this crime problem.

- 12) Alderman Cooke asked the police for their comments, saying that he feels criminal activity can be discouraged by making the area busier and brighter. Constable Kurt Platz of the Police agreed, saying that isolated places become breeding places for crime. This is occurring at Poulette Street. Improved lighting would likely help.
- 13) Brian Henley, 19 Alexander St., agreed that safety is a separate issue from access, and that it is important to provide access for pedestrians, for this community close to the downtown. He shares the concerns regarding crime, and the need for more visible policing, such as bicycle patrols around the HAAA grounds.
- 14) Charles Reichheld, 121 Ray St. S., said that he had reported to Alderman Kiss about the youths congregating, and she had the bushes cleaned up. He thanked her for her response. Now, since the bridges have both been closed, there is another problem concerning the barriers. He asked why the Poulette St. bridge was closed, and Alderman Cooke said it was falling down, so the railway company took it down. They then delayed rebuilding it due to a lumber strike, and it has yet to be rebuilt.
- 15) Mr. Schikolenko, 293 Jackson St. W., said it is difficult to get to his house from the east end, due to congestion along Jackson and Hunter, that traffic must circle around. He has seen the youths, and asked the City to please open Ray Street to vehicles.
- 16) Mr. Jarrett, 130 Ray St., also asked that Ray Street be opened.
- 17) Rev. Don Deas, 173 Canada St., requested that the Poulette Street bridge not be rebuilt. He feels that people would begin loitering at such a bridge; and that it would cost a great deal of money, which might be better spent on strengthening the embankments. He felt that only a handful of children would use it; there might not be a crossing guard there; and it could cause traffic problems at Locke and Dundurn. He said it might conflict with plans for the rail line. Alderman Cooke said that the planning is underway for GO Transit, and this review will be co-ordinated with them.
- 18) Tom Puller, 99 Ray St. S., lives just north of the bridge. He said that from June to October it is like living hell at the Ray St. bridge, with the behaviour, language and incidents associated with the young people. His wife won't cross it after 6:00 p.m. He could live with a walkway. The bridge is narrow; only wide enough for two cars.
- 19) Jill Connors, 248 Hunter St. W., said that lighting alone is not the answer. There have been many break-ins on her street. She feels that the crossings on Pearl or Ray should be for vehicles as well as pedestrians. Access for seniors is important.

- 20) Judy Blacquiere, 163 Canada St., said that she does not want a pedestrian walkway at Poulette Street. She said that all young people would be drawn to loitering under such a bridge, if one is built.
- 21) Andrew Kooiman, 289 Charlton Ave. W., said that the problem with the young people will just move from one place to another, if it is not dealt with as a separate matter from the issue of access. He does not use the bridges, but feels that there is sufficient vehicle traffic to provide all three bridges for pedestrian or vehicles.
- 22) Iain Souter, 300 Hunter St. W., agrees that the Ray St. bridge is a nightmare, which he avoids. He said that if the Ray St. bridge is closed, young people may just move to the Pearl St. bridge. Proper lighting is needed, as well as accessibility for the physically handicapped. Smaller, pedestrian-only bridges may be preferable.
- 23) Lydia Silinskis, 24 Melbourne St., said that a bridge at Poulette St. is important, to provide easy access to buses on Main Street, and services such as restaurants. It is too much to expect seniors to walk 10 blocks further, due to the lack of a bridge. Problems with young people occur everywhere, and the responsibility lies with the parents, not the pedestrians who would suffer from removal of the bridges.
- 24) A resident said that she has lived in the City for the past 9 months, and has enjoyed exploring the area in her wheelchair. She noted that some streets are built with grades too steep, and she has to traverse them in a zig-zag manner, such as Queen St.
- 25) Another resident said that it was not too far to walk around without the bridge(s). He said that the Poulette Street bridge was just as much of a problem as the other two are, but that the problems are for adjacent neighbours only.
- 26) A woman said that the lack of a bridge at Poulette makes walking in the area inconvenient and time-consuming, especially for seniors, and to Main St. services. It takes about 10 minutes longer to cross this area in a north-south direction.
- 27) Rosemary Todd, 13 Richmond St., said that, after hearing the submissions this evening, she feels that the bridges may be appropriate, with proper police patrols.
- 28) Another resident said that the Pearl Street bridge provides a great pedestrian corridor, which is an asset to the City. Parking spaces for adjacent residents would be lost if the Pearl St. bridge was opened to vehicles.
- 29) A resident said the Ray and Pearl Street bridges are needed for vehicle traffic.
- 30) A resident said that if proper pedestrian walkways are built, they would not be as wide as the present bridges, and the kids wouldn't be able to play hockey on them.

- 31) Another resident said that the City should not construct walls of concrete.
- 32) Ms. Gerry Kennedy, 377 Main St. W., said that as a realtor she agrees that the linkages into the neighbourhood are needed and important.

4. CONCLUSION

Alderman Cooke outlined the next steps in the review of these bridges. Staff will receive written submissions this evening, and for the next two weeks until February 10, 1993. They will then evaluate the options, and prepare recommendations for the consideration of the Transport and Environment Committee, and City Council. He noted that there would be another opportunity for public input later, at the design stage.

Alderman Kiss thanked those present for attending. She noted that this area is a good neighbourhood, with good property maintenance and services. She feels that linkages into the community are important, and probably contribute to the overall property values.

Alderman Cooke thanked the residents for the great attendance at this meeting. He noted that crime is now a reality, and a problem faced by all of us. He feels that breaking these links would make this less of a neighbourhood, and would encourage the retention of the bridges.

The following was the outcome of the informal poll taken at the meeting, to determine the opinions of those present concerning the need for these bridges:

- 1) Poulette Street
 - Build pedestrian bridge - 60 people in favour.
 - Keep as is, no bridge - 3
- 2) Pearl Street
 - Pedestrian-only bridge - 26 people
 - Pedestrians and vehicles - 20
 - No bridge - 1
- 3) Ray Street
 - Pedestrian-only bridge - 15 people
 - Pedestrians and vehicles - 30

The meeting was then adjourned, at approximately 9:15 p.m.

E (a)

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1993 March 16

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Charlene J. Coutts, Secretary
Local Architectural Conservation
Advisory Committee

SUBJECT: Bamberger House, 11-13 Holmes Avenue - Funding for
Relocation and Structural Investigation

RECEIVED

MAR 16 1993

CITY CLERKS

RECOMMENDATION:

That funding in the amount of \$15,000. be provided from the City's Reserve Acquisition of Historic Properties Account to:

- a) Undertake a structural investigation of 11 - 13 Holmes Avenue, as soon as the house is vacated at the beginning of 1993 May.
- b) Partially dismantle and move the original log structure presently located at 11 - 13 Holmes Avenue to the Westfield Heritage Centre, in the event that it is assessed to be worthy of preservation by the Architect/Consultant Peter Stokes, in terms of its structural soundness and architectural integrity.

Charlene J. Coutts

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

\$15,000. from the Reserve Acquisition of Historic Properties Account. As of 1993 January 6, \$130,128. was available in this account (Reserve Account No. CH 00120)

BACKGROUND:

The stucco-covered double house at 11-13 Holmes Ave. is, in fact, one of the oldest surviving dwellings in Hamilton. It was originally a single family, two-story log house built by Samuel Bamberger c. 1820. as his farmhouse. The building is described in the publication "West Hamilton: A Village and A Church" by David Jardine.

Last summer, the owner applied for a demolition permit for the building which was approved by Council at its 1992 June 30, meeting. The owner agreed to work with groups interested in its relocation and preservation and to defer demolition until June 1993.

The Planning and Development Committee at its meeting held 1992 June 24, requested staff to report back to the committee on potential sites to relocate the building or a location where it could be stored.

Parks Staff in a memo dated 1992 September 17 advised that they were unable to identify either a location or a need for the two-story log house.

In 1992 November, the Hamilton Region Conservation Authority did agree to accept the building for location at the Westfield Heritage Centre, pending the raising of funds for its transfer.

In 1992 November, the Hamilton Region Conservation Authority commissioned Peter J. Stokes, Restoration Architect, and Frank Burcher, Architect, to undertake a study of the building. Their report advised that the building is definitely of log construction, built c. 1820, and is worthy of re-location to Westfield Heritage Centre, providing an initial investigation indicates that the original building is still sufficiently intact.

Report dated 1993 February 8 by Peter Stokes estimated the costs of moving the building at \$ 63,755.

On 1993 February 13, the Westfield Heritage Centre Sub-committee agreed to fund the cost of the foundation.

On 1993 February 24, an alternative method of moving using a crane has been estimated by Peter Stokes to cost \$ 23,855. The West Hamilton Historical Society has advised it is prepared to undertake a fundraising project to make up the difference in costs. This campaign will commence only after Peter Stokes has advised that the building is worthy of re-locating to the Westfield Heritage Centre.

The contractor for the re-development of the property has spoken to Peter Stokes, offering to contribute the removal of the non-historical material from building.

Summary of costs: Estimate for moving from Peter Stokes:

Total:	\$23,855.
Dismantling of non-historical material: contributed	
City contribution:	\$15,000.
HRCA: Westfield Heritage Centre contribution	3,045.
West Hamilton Historical Society contribution	6,000.

Total: \$ 24,045.

c.c. Victor Abraham, Director of Local Planning
Nina Chapple, Planning Department
Alan Ross, Treasurer
Susan Reeder, Secretary, Finance and Administration Committee
Peter Stokes, Consulting Restoration Architect

PETER JOHN STOKES, B.Arch., LL.D., F.R.A.I.C.

Consulting Restoration Architect

244 KING ST. P.O. BOX 170 NIAGARA-ON-THE-LAKE, ONTARIO L0S 1J0

PHONE 416-488-7841

Fax to : 416-546-4202

Attn : Mrs. Nina Chapple

Memo re: Bamberger House c. 1820

Phase 1: Relocation

Further to the memo. dated 8 February 1993 the following explores alternatives which might be considered. The same caution, however, is noted, namely that further investigation must be made before a final recommendation for the saving and relocation of this building can be made.

Basically the main differences in this alternative proposal pre-suppose that help in removing unwanted sections could be contributed by the owner's agent who is responsible for seeing to the removal of the existing building from the site either by moving or demolition, and that the main two-storey section might be halved horizontally, the upper section transported as a unit separately. The former stipulation would relieve the project of the costs of Demolition and Disposal, noted as Task (1) previously. The latter would, substituting for Task (2) Dismantling and Salvage, re-assign these costs adding something more for preparation for moving, the costs of a crane and additional transportation offsetting both Task (2) and (5) Re-erection of Upper Storey and Roof.

There is also a saving should a flat site be adopted for the new location and only a curb footing and crawlspace substituted for the full basement shown in the original interpretation. It has been suggested that the building might be accommodated in a position facing the "green" at Westfield which, however, reduces substantially its importance and the possibility of wider interpretation as well as providing some relief: it becomes just another log structure of the collection and loses much of its significance thereby. Nevertheless the saving is shown in the alternative exploration.

Recapitulating the estimated costs in the re-allocation and redefinition of operations the following figures are put forward:

(1) Demolitions and Disposal:

Re-assigned as the responsibility of the owner's agent; hence no cost to the project.

(2) Dismantling and Salvage:

Moving the building in two sections, separated roughly above the second floor, each part as a single unit, obviates most of the operation and that formerly noted as (5) Re-erection of Upper Storey and Roof.

However some alternative preparation for moving would be required and this is noted as \$1,810.

(3) Excavation, Footings and Foundations.

Here a simple wide curb foundation or dwarf wall would be substituted for the separate footing and poured foundation wall required for the full basement as originally proposed at a revised cost of \$3,045.

(4) Building Moving:

This task, involving the lifting, transport and replacing of the upper storey as well as the lifting and transport of the lower portion increases the costs of moving substantially by roughly doubling transport costs and adding crane rentals to a revised total of \$19,000, including \$8,000 for latter and \$11,000 for the former with \$6,000 allowed for transport and \$5,000 for crane rental and other contingencies.

Revised estimated total

Phase 1 Project Cost	\$23,855.
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In Conclusion:

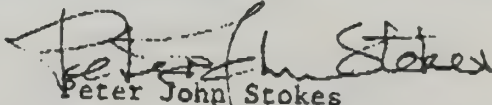
Again these figures must be viewed as preliminary and subject to review when better information on the building is available and when costs can be estimated more accurately.

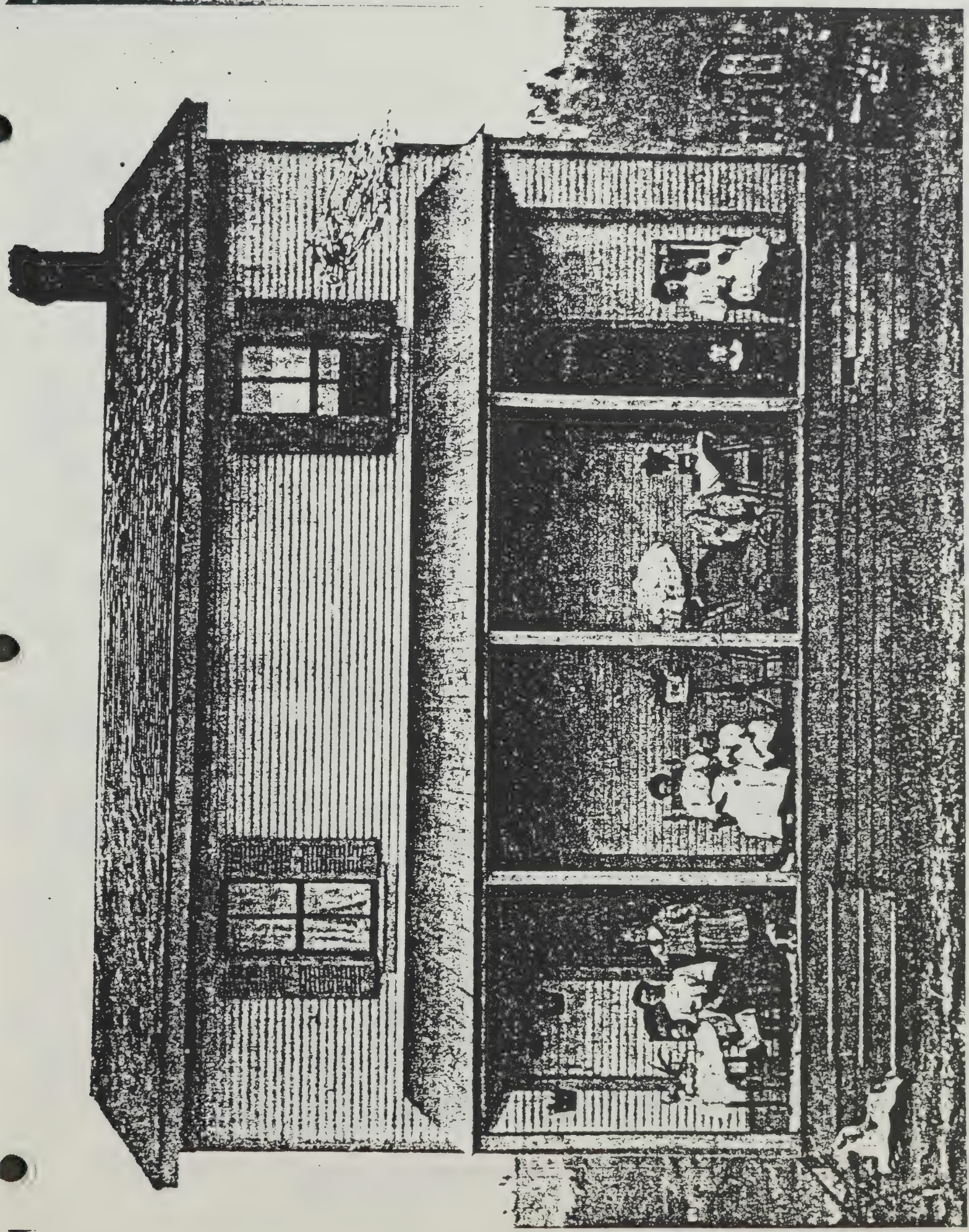
Alternatively, keeping the full basement option would add to this cost a further \$9,975 to total \$33,830 about \$30,000 less than the previous adjusted total including contributions of voluntary labour.

Contributions could be sought towards the moving costs, now totalling \$20,810 including attendant preparation. This figures compares with \$37,335 for associated tasks previously noted which involved much work in careful dismantling and re-erection of the upper storey and roof.

Further examination of the Bamberger House is to be put in hand shortly as a preparation for building archaeology immediately after its being vacated in the spring. At least record is being initiated at this stage.

23 February 1993


Peter John Stokes
Consulting Restoration Architect



HERITAGE STATUS:

Listed on the City's Inventory of Buildings of Architectural/ Historical Interest and worthy of designation under the Ontario Heritage Act.

SETTING:

Located in the heart of the West Hamilton residential area just west of Emerson Street and two blocks east of Alexander Park.

Originally surrounded by farmland, the Bamberger homestead was moved just south-west of its original location at the foot of Bamberger Lane (Emerson Street) when the residential survey of West Hamilton was opened. During the early part of this century, the house was located in the thriving village of West Hamilton (annexed to the City in 1930). While many of the buildings from this period have survived, the village atmosphere has virtually disappeared and only a few businesses remain. West Hamilton today is a residential subdivision comprised largely of modest pre-war and wartime housing, with a recent trend towards new larger-scale infill.



House as it appears today (Heritage Planning photograph, June 1992).



ZONING MAP:

Combined sections of the Ainslie Wood and Ainslie Wood East Neighbourhood maps.



E (b)

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1993 February 3

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Charlene J. Coutts, Secretary
Local Architectural Conservation
Advisory Committee

SUBJECT: Designation Recommendation - T.H. & B. Station (GO
Transit Centre) 36 Hunter Street East

RECEIVED

FEB 03 1993

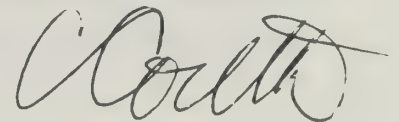
CLERKS

RECOMMENDATION:

- a) That approval be given to the "Intent to Designate" the former T. H. & B. Station at 36 Hunter Street East as a property of historical and architectural value, pursuant to the provisions of the Ontario Heritage Act, 1983, as outlined in the Reasons for Designation attached herewith and marked as Appendix "A"; and,
- b) That the City Solicitor be authorized as directed to take appropriate action to have this property designated pursuant to the provisions of the Ontario Heritage Act, 1983.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A



BACKGROUND:

The Research Sub-Committee at its last meeting held 1993 January 13 recommended that LACAC approve the eligibility for designation of the former T.H. & B. Station.

The T.H. & B. Station has been designated under the Federal Heritage Railway Stations Act but will only be protected under this legislation as long as the building remains in federal ownership (Canadian Pacific).

The station is to be sold in the near future to GO Transit; and, once provincially-owned, can only be protected through a Heritage Easement Agreement.

Provincially-owned buildings designated under the Ontario Heritage Act are not subject to the provisions of the Act with respect to demolition or alterations. Municipal designation of the former T.H. & B. Station would, however, serve to emphasize its importance as one of Hamilton's architectural landmarks, and hence, make a strong case for a Heritage Easement Agreement to be held between the Province (Ontario Heritage Foundation) or the City and GO-Transit.

Attached

CC/mec

c.c. Victor Abraham, Director of Local Planning
Nina Chapple, Planning Department
Patrice Noé-Johnson, City Solicitor

REASONS FOR DESIGNATION

Former Toronto, Hamilton and Buffalo Railway Station (Proposed GO-Transit Centre) 36 Hunter St. East, Hamilton

The former Toronto, Hamilton and Buffalo (TH&B) Railway Station, situated on Hunter St. East at the head of Hughson St., ranks as a major architectural landmark of Hamilton's downtown core. The station was constructed in 1931-33 by the TH&B Railway to serve as both a passenger/freight terminal and the company's headquarters. In 1977, Canadian Pacific Railway (CPR) bought control of the railway line and in 1981, the station ceased to function as a passenger terminal. Current plans are to restore and convert the station into the new GO-Transit Center for rail and bus transportation. In 1991, the former TH&B Station was designated under the federal Heritage Railway Stations Protection Act.

The TH&B headquarters were designed by the New York architectural firm of Fellheimer and Wagner in a stream-lined modernist style known as Art Moderne. Well-known for their spectacular railway stations in Buffalo and Cincinnati, the firm provided Hamilton with a high-styled modernist structure which was at the forefront of railway station design in Canada.

Context

The importance of the downtown railway terminal, located just three blocks south of the city's central Gore Park, was recognized in its siting. The station was placed on the cross-axis of Hughson St., and Hunter St. was re-aligned to curve out in front of the building.

In a larger context, the TH&B Station's location at the southern end of Hughson St. corresponds to the Canadian National Railway (CNR) Station's location at the northern end. Both stations face towards the city centre and both were built in the same period, the CNR Station having been completed in 1931, just as construction began on the TH&B Station.

History

The 102-mile railway link between the three major cities came about in 1895 as a result of pressures to introduce competition to the Grand Trunk Railway; to provide the shortest land route to American rail lines; and to give new service along the Hamilton-Niagara corridor.

Established originally as a through-line for passenger and freight service, the TH&B Railway in 1899 constructed a beltline to the City's new industrial lands at the east end, thereby facilitating Hamilton's major industrial expansion of the early 20th century. So profitable was the freight traffic--business increased tenfold between 1901 and 1917--that the company could elect in the middle of the Depression to build new facilities to replace the Victorian structure of 1895.

Architecture

Built of a steel frame construction with a cut-limestone exterior, the structure combines a central, stepped headquarters tower six-stories high over a two-story railway station, which extends laterally in low, rounded projecting wings. Concrete retaining walls stretch out horizontally to from from the station to connect to the bridges at James and John Streets.

Stylistically, the building achieves a unique combination of the modernist elements popular in the 1920's and '30's. Characteristic of the avant-garde International Style are the stepped office tower configuration and bands of windows which wrap around corners, a hallmark of the curtain wall construction made possible by the use of structural steel. Likewise, the smooth planar walls devoid of any traditional ornamentation, and, in particular, the curved walls of the lower stories, are typical of the streamlined Art Moderne style. Art Deco influence can be seen in the decorative treatment above the central vertical strip window.

The two-storey station, on the other hand, stands as a rare example of a pure Art Moderne public building. On the exterior and throughout the interior can be found the curved forms, polished metals and sleek machined detailing of this stream-lined version of the modernist movement. In the central focal point--the two-story concourse--the design of the architecture and the design of the interior fittings (fixtures, furnishings and signage) achieve total integration, inspired by the same lean industrial aesthetic.

Designated Features

Of importance to the preservation of the former TH&B Railway Station are the original features of all four exteriors, including the limestone walls; windows; entranceways, doors, and porticos; original signage, architectural ornamentation and flagpole; the concrete retaining walls; the platform structures; and the interior entrance lobby and semi-circular concourse, including the mezzanine and all original interior design features, including but not limited to the terrazzo floor, walls, ceiling, doors, columns, steel decoration, lighting and accessory fixtures, clock, wickets, signage, etc.

CITY OF HAMILTON
- RECOMMENDATION -

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F(a)
MAR 15 1993

CITY CLERKS

DATE: March 15, 1993

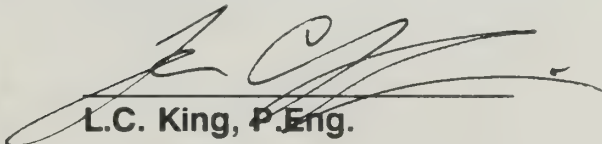
REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P.Eng.
Building Commissioner

SUBJECT: Demolition of:
28 VICTORIA AVENUE NORTH - Tag Number 88693
(93.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 28 VICTORIA AVENUE NORTH.



L.C. King, P.Eng.

LCK/EB/zr

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: "E" Multiple Dwellings

PRESENT USE: Single Family Dwelling

PROPOSED USE: Multiple Dwelling

BRIEF DESCRIPTION: 2½ storey brick dwelling

The owner wishes to demolish the present building and erect a multiple dwelling in the future in conjunction with #24 Victoria Avenue North. The owner advised that the interior of the building is in very poor condition and the building has been empty for a considerable length of time and cannot be rented.

The owner of the property as per the demolition permit is:

34 West Avenue North Inc.
c/o 44 Hughson Street South
Hamilton, Ontario

RECEIVED
Feb 11 1993

CITY OF HAMILTON
- RECOMMENDATION -

CITY CLERKS

DATE: March 9, 1993.

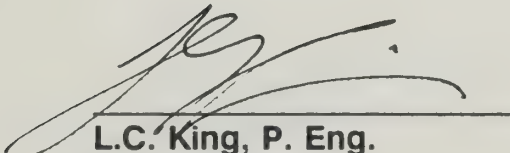
REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P.Eng.
Building Commissioner

SUBJECT: COMMERCIAL FACADE LOAN PROGRAMME LOAN INCREASE
533-537 Concession Street (93.2.4.2.1.A)

RECOMMENDATION:

That a loan increase of \$1,886 be approved for Mr. G. Turpin, 533-537 Concession Street, under the Commercial Facade Loan Programme. The total loan is now \$30,000.



L.C. King, P. Eng.
LCK/JHR/dc

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

City Council at their meeting held November 10, 1992 approved a loan application under the subject programme in the amount of \$28,114. Since that time, it has been determined that additional work was necessary in order to correct the roofing problems. The Building Department, Loans Division, therefore recommends increasing the owner's application to a maximum loan of \$30,000. The loan to be amortized over 10 years at 4 1/8 per cent interest with a monthly payment of \$294.60. This represents an increase of \$1,886.

c.c. R. Camani, Treasury Department

CITY OF HAMILTON
- RECOMMENDATION -

Fr(c)i)

1.11

CITY OF HAMILTON

DATE: March 9, 1993.

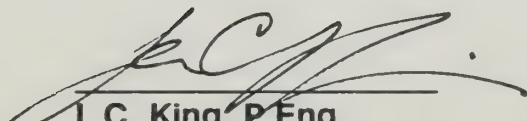
REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P.Eng.
Building Commissioner

SUBJECT: HAMILTON EMERGENCY LOAN PROGRAMME
74 Chatham Street (H.E.L.P.)(93.2.4.2.1.A)

RECOMMENDATION:

That a Hamilton Emergency Loan (H.E.L.P.) in the amount of nine hundred and ten dollars, (\$910) be approved for Agnes Gidley, 74 Chatham Street, Hamilton. The interest rate will be 8 per cent amortized over 5 years.


L.C. King, P.Eng.
LCK/JHR/dc

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The Planning and Development Committee and City Council approved the establishment of an Emergency Loan Programme in order to provide immediate assistance to owner/occupants of residential units. In order to be eligible, an applicant had to qualify for one of the Federally or Provincially sponsored loan and grant programmes. A maximum loan of \$2,000 could be approved providing the

emergency repair fell under one of the following five (5) categories: heating, electrical, plumbing, roofing, or accessibility. The application would be processed within forty-eight (48) hours and would be secured initially by a Promissory Note and later by a Lien registered on Title. Formal approval would be obtained upon completion.

The Building Department, Loans Division, recently finalized a Emergency Loan for Mrs. A. Gidley, 74 Chatham Street in the amount of \$910. The furnace has been replaced and the chimney repairs have been addressed, and the Department recommends approval and authorization to request the Law Department to register a Lien on Title in the amount of \$910 at 8% interest and amortized over five (5) years.

c.c. R. Camani, Treasury Department
D. Powers, Law Department

CITY OF HAMILTON
- RECOMMENDATION -

F(c)ii)

CITY CLERKS

DATE: March 9, 1993.


REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P.Eng.
Building Commissioner

SUBJECT: HAMILTON EMERGENCY LOAN PROGRAMME
48 East 35th Street (H.E.L.P.)(93.2.4.2.1.A)

RECOMMENDATION:

That a Hamilton Emergency Loan (H.E.L.P.) in the amount of nine hundred and ten dollars, (\$910) be approved for Mona-Lynn Clarkson, 48 East 35th Street, Hamilton. The interest rate will be 8 per cent amortized over 5 years.



L.C. King, P.Eng.
LCK/JHR/dc

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The Planning and Development Committee and City Council approved the establishment of an Emergency Loan Programme in order to provide immediate assistance to owner/occupants of residential units. In order to be eligible, an applicant had to qualify for one of the Federally or Provincially sponsored loan and grant programmes. A maximum loan of \$2,000 could be approved providing the

emergency repair fell under one of the following five (5) categories: heating, electrical, plumbing, roofing, or accessibility. The application would be processed within forty-eight (48) hours and would be secured initially by a Promissory Note and later by a Lien registered on Title. Formal approval would be obtained upon completion.

The Building Department, Loans Division, recently finalized a Emergency Loan for Mona-Lynn Clarkson, 48 East 35th Street in the amount of \$910. The furnace has been replaced, and the Department recommends approval and authorization to request the Law Department to register a Lien on Title in the amount of \$910 at 8% interest and amortized over five (5) years.

c.c. R. Camani, Treasury Department
D. Powers, Law Department

CITY OF HAMILTON
- RECOMMENDATION -

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MAR 15 1993
CITY CLERKS

DATE: March 11, 1993

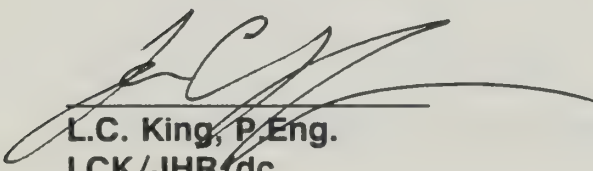
REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P.Eng.
Building Commissioner

SUBJECT: HAMILTON EMERGENCY LOAN PROGRAMME
252 Glencarry Avenue (H.E.L.P.)(93.2.4.2.1.A)

RECOMMENDATION:

That a Hamilton Emergency Loan (H.E.L.P.) in the amount of one thousand, four hundred and ninety eight dollars, (\$1,498) be approved for Maria Tompa, 252 Glencarry Avenue, Hamilton. The interest rate will be 8 per cent amortized over 5 years.



L.C. King, P.Eng.
LCK/JHR/dc

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The Planning and Development Committee and City Council approved the establishment of an Emergency Loan Programme in order to provide immediate assistance to owner/occupants of residential units. In order to be eligible, an applicant had to qualify for one of the Federally or Provincially sponsored loan and grant programmes. A maximum loan of \$2,000 could be approved providing the

emergency repair fell under one of the following five (5) categories: heating, electrical, plumbing, roofing, or accessibility. The application would be processed within forty-eight (48) hours and would be secured initially by a Promissory Note and later by a Lien registered on Title. Formal approval would be obtained upon completion.

The Building Department, Loans Division, recently finalized an Emergency Loan for Mrs. M. Tompa, 252 Glencarry Avenue in the amount of \$1,498. The main water supply pipe has been replaced, and the Department recommends approval and authorization to request the Law Department to register a Lien on Title in the amount of \$1,498 at 8% interest and amortized over five (5) years.

c.c. R. Camani, Treasury Department
D. Powers, Law Department

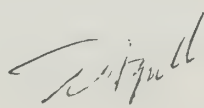
G.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1993 March 18

REPORT TO: Members of the Planning and Development Committee

FROM: Tina Agnello, Secretary
Planning and Development Committee

SUBJECT: INFORMATION ITEMS 

RECOMMENDATION:

That the following Information Items, which have been previously forwarded to Members of the Committee under separate cover, be received for information purposes:

- (a) Township of Osprey Resolution Re: Commission for Planning and Development Reform in Ontario
- (b) Notice of Public Meeting for Proposed Closure of Bay Street North
- (c) City Solicitor: Carter Square OMB Zoning Approval
- (d) LACAC Minutes of 1993 February 1
- (e) Commissioner of Planning and Development: Approved Site Plan Control Applications dated 1993 March 15

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: None



3.1

CENTRAL AREA PLAN IMPLEMENTATION COMMITTEE
a Subcommittee of the Planning and Development Committee
c/o CITY HALL, 71 MAIN STREET WEST, HAMILTON, ONTARIO, L8N 3T4

DATE: 1993 March 11
TC-CAP(C)

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Russell Elman
Chairperson,
Central Area Plan Implementation Committee

SUBJECT: Implementation of the Public Participation Policies - Central
Area Plan.

RECEIVED

MAR 15 1993

CITY CLERKS

RECOMMENDATIONS:

1. That City Council establish guidelines and policies for public participation in all matters within its jurisdiction, involving the public in this process, and provide for effective implementation.
2. That City Council initiate action to establish consistent and effective public participation guidelines and policies in all departments administered by the City of Hamilton.
3. That City Council initiate action to encourage the Regional Municipality of Hamilton-Wentworth to adopt similar public participation guidelines and policies, especially in all areas directly affecting the City of Hamilton.
4. That City Council initiate action to establish mechanisms whereby members of the public can have convenient and timely access to all City of Hamilton public documents, including agendas and minutes of Council and Committees, policy papers, and other information.

Russell Elman,
Chairperson,
Central Area Plan Implementation Committee

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The Central Area Plan, adopted in 1988, contains specific policies regarding public participation. These are:

"Strong public participation will be an essential component in implementing the policies of this Plan. Public participation is the ongoing involvement of residents and business people in the decisions which affect their lifestyle, quality of life, property values, health of their businesses and enjoyment of their surroundings. Public participation is recognized as citizens' rights and is an important part of the planning process.

The implementation of this plan should provide for the following public participation principles and be in accordance with the provisions of Section D.9:

- i) information will be disseminated to the public in a clear, concise manner designed to achieve a broad understanding of the policies and programs and their impacts;
- ii) The City will actively seek opinions, attitudes and advice of individuals, community and special interest groups regarding policies, programs and studies, as well as contemplated or impending changes to existing policies and programs; and,
- iii) reporting mechanisms will be in place which will provide Council with complete and unbiased results of this consultation."

The members of the Central Area Plan Implementation Committee have reviewed the public participation policies of the plan. A draft document, entitled "Public Participation in the Central Area - A Discussion Paper" has been prepared and is attached to this report. As a result of the preparation and review of the discussion paper, the members of CAPIC have recommended that broader public participation policies be prepared, applicable to many initiatives affecting the Central Area.

CONCLUSION:

The members of the Central Area Plan Implementation Committee have reviewed the public participation policies of the Central Area Plan. The review indicates that there are many City initiatives in which public consultation is both necessary and productive. Accordingly, consistent policies and procedures throughout the City should be established.

December 1992

PUBLIC PARTICIPATION IN THE CENTRAL AREA

DISCUSSION PAPER

**Implementation Strategies for the Public Participation Policies
Outlined in the Central Area Plan**

Prepared by the Central Area Plan Implementation Committee (CAPIC)

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Appendix A

1.0 INTRODUCTION

In adopting the Central Area Plan, September 1988, CITY COUNCIL acknowledged, and mandated, "public participation" as a basic thrust of the Plan. In the language of the Plan, it is an "essential component":

"Strong public participation will be an essential component in implementing the policies in the Plan. Public participation is the ongoing involvement of residents and business people in the decisions which affect their lifestyle, quality of life, property values, health of their businesses and enjoyment of their surroundings. Public participation is recognized as citizens' rights and is an important part of the planning process."

The implementation of this plan should provide for the following public participation principles and be in accordance with the provisions of Section D.9:

- (i) information will be disseminated to the public in a clear, concise manner designed to achieve a broad understanding of the policies and programs and their impacts;*
- (ii) the City will actively seek opinions, attitudes and advice of individuals, community and special interest groups regarding policies, programs and studies, as well as contemplated or impending changes to existing policies and programs; and,*
- (iii) reporting mechanisms will be in place which will provide Council with complete and unbiased results of this consultation."*

Recognizing the importance of public participation in the planning process, CAPIC is committed to enhancing public input. This paper outlines strategies for improving public participation in the planning process. It is recognized that other City Departments also have public participation, but they are not described here.

This paper is based on three major assumptions. The first is that even though neighbourhoods are the planning structures for the city, neighbourhood associations are not the only structures through which people organize. The second assumption is that there is a need for ongoing participation, that effective public participation can only occur on an ongoing basis. The third assumption is that there is a need for the City to explore new techniques, i.e. a new bag of tricks, to elicit effective participation from the public.

The purpose of this paper is to explain what public participation is and what it could be in local planning based on the variety of experiences of CAPIC members. The City uses the neighbourhood as the planning unit, thus we are also using the concept of neighbourhoods, but with an understanding that there are a variety of publics in a neighbourhood, and they need to be accessed via community groups. CAPIC believes that public participation can be a very positive and empowering experience for community people, but it can also be disempowering and

tokenism. Thus, CAPIC is most interested in describing public participation, including key ingredients for healthy public participation, in order to encourage community people to take a more active role in the evolution of their communities. CAPIC hopes the City of Hamilton will revise its public participation strategies based on some of the ideas presented in this paper.

2.0 KEY CONCEPTS

Some key terms require explanation at the outset.

Urban planning refers to the planning involved over a broad range of topics including transportation, recreation, economic development, education system, urban architecture, etc.

Community interests refers to the myriad of ideas and values reflected by individuals as well as groups in an area of the City.

Staff refers to all City and Regional staff, not just Planning Department staff. Therefore engineers, economists, public health nurses, etc. are included in this definition for the purpose of this Paper.

Public participation is the ongoing involvement of residents, agency people, and business people in the decisions which affect their lifestyle, quality of life, property values, health of their businesses and enjoyment of their surroundings.

Neighbourhood is a spatial unit most often defined by Planning Departments as a certain number of City blocks, corresponding population, and population density. Nonetheless, neighbourhood people often define their neighbourhood without regard to planners' imposed boundaries, but instead, on their daily experiences, familiarity and comfort level with the urban streetscape. Neighbourhood to them might be one block or the 10 blocks which line a certain street on the way to a grocery store. The geographic neighbourhood, the spatial unit defined by Planning Departments, is the basis for land use planning in the City of Hamilton.

Despite the fact CAPIC has attempted to be broad in its definitions, and its descriptions of public participation, it is an advisory committee to the Planning and Development Committee on a variety of land use issues in the Central Area. As well, it is staffed by the Planning Department. CAPIC also advises the Planning and Development Committee on a variety of land use issues. As a result, many of the examples are land use oriented and there is much reference to public participation as required by the Planning Act.

3.0 CONTEXT OF PUBLIC PARTICIPATION FOR CAPIC

Public participation in all of its various forms is on the public agenda. In its National Report, the Spicer Royal Commission calls for more consultative and consensus-building processes in the national decision-making arena. They believe we cannot shape solutions to our problems or make creative use of our national opportunities without extensive public participation.

At the provincial level, Ontario has created a variety of participatory forums to help with policy planning and determining strategic directions. Some of these are short-term processes, where members of several informed publics sit on advisory bodies (e.g., the Premier's Council on Health Strategy). Others are longer term and include representative and participatory bodies which have an ongoing role in policy development (e.g. Technology, Training and Education bodies).

At the Regional and City levels, there is currently a mandated process of public participation in land use planning which generally comes in the form of a public meeting. For example, public meetings regarding zoning changes are mandated by the Planning Act. People are notified and invited to speak for or against a zoning change. Information received by elected persons during this public meeting is intended to assist them in their decision-making. This mandated form of public participation seeks responses from people and provides an important gauge of public opinion.

At the City level, there are two distinct types of public process used: those required by the Planning Act and those that the City of Hamilton undertakes over and above the Planning Act requirements (Appendix A describes these processes in diagram form).

3.1 City Planning Processes Required by the Planning Act

- i) Official Plan Amendments - require a public meeting of Council to consider the amendment. Notification is given to landowners within 400 feet of the subject property. In the case of policy (text) amendments, notification is placed in the Hamilton Spectator.
- ii) Zoning - municipalities are required to have a public meeting to consider a By-law that changes the zoning for a property or group of properties. However, the By-laws are often technical in nature and may not answer questions arising from members of the public. In Hamilton, proposed changes in zoning are heard at Public Meetings of the Planning and Development Committee. Five days before the Public Meeting, a report from the Planning Department is available for all participants (Committee members, the public, the proponent). The staff report contains the draft text of the By-law as well as a discussion of the material aspects

of the proposal (i.e. what type of development, its size, intended use of the property, number of parking spaces, etc.), a review of the relevant planning policies, and an evaluation of the merits of the proposal.

The Planning Department also seeks to inform the public at the earlier stages of the development application. All applications for a change in zoning require a sign of public notice to be placed on the property, containing information on the material aspects of the application. The sign is 4' x 8' and must remain posted on the property until Council makes a decision about the application. For Public Meetings, all residents living within 400 feet of the subject property receive a notice in the mail detailing the proposal as well as the date and time of the meeting. The notice also includes instructions on how persons may submit comments - orally, in writing, or both. It should be noted that the sign of public notice is not required by the Planning Act; however, the notification by mail is.

- iii) Site Plan - no public meeting is required.
- iv) Committee of Adjustment - a public hearing is required with circulation of notices to landowners within 200 feet.

3.2 Other Public Planning Processes

Generally two processes are followed. The first involves the formation of a representative citizens committee to deal with an issue (such as a neighbourhood plan) in a developed area or a modified neighbourhood plan review - examples are Carter Square Redevelopment Project and Kirkendall Neighbourhood Plan. In this process, the citizens committee prepares the proposed plan for their neighbourhood. Staff from the Planning and Development Department act as resources to the Committee and do background research on the Committee's behalf. Once the vision is completed, it is circulated to agencies for comment (these agencies would include other City and Regional Departments as well as any other affected groups such as the Conservation Authority or one of the Railway Corporations). The proposed plan is presented to the public via one or more open houses and public meetings. The proposed plan may be revised based on the comments received from the public and agencies. Once finalized, the proposed plan is submitted to the Planning and Development Committee along with a report from the Planning and Development Department regarding the proposed plan.

In the second process, the Planning Department undertakes the background research on a specific issue or project. The form of the research may include statistical information, information on policies of other municipalities addressing a similar issue, an analysis of the existing issues, and any other necessary information. Based on the research, options to address the issue or issues are identified. The background research and the options are presented to the public through one or more open houses and public meetings. At that time, the Planning Department records oral submissions and also invites written submissions from the public.

Generally two to three weeks are given for the public to make their written submissions. Once all submissions are received, each is analyzed in context of the study and included in the decision as to which option is recommended to the Planning and Development Committee. All citizens attending the open houses and public meetings are informed of the date of the Committee meeting where the decision regarding the study will be made. This process is used in undeveloped neighbourhoods, policy studies, and text amendments to the Zoning By-law. There are two schematic flow charts describing these processes and these are contained in Appendix "A".

The Planning Department often uses the above two processes to facilitate the preparation of amendments (Official Plan and Zoning). In addition, the information gathered in the above processes may indicate the need for further amendments; for example, the Neighbourhood Plan can necessitate amendments to the Official Plan - this occurred in both the Beach Neighbourhood Plan and Sheldon/Mewburn Neighbourhood Plan. These types of amendments are both enhanced and facilitated by the process used over and above the requirements of the Planning Act.

At the Regional level, there are also examples of public participation which go beyond those mandated by the Planning Act. These include the Regional Task Forces on Sustainable Development and Affordable Housing, and the Remedial Action Plan for Hamilton Harbour.

4.0 WAYS OF MAKING PUBLIC PARTICIPATION MORE EFFECTIVE

There are many ways to involve the many publics which comprise the City of Hamilton in local policy and decision-making. The following list highlights some of these ways.

4.1 Recognize Several Publics for Participation

- * All community interests must be included in the process to properly plan for an area. The City must undertake efforts to identify all community interests, and develop strategies to bring all these community interests into the process. Community interests include the home owners, tenants, residents of residential care facilities, social service agencies, the public as a whole, businesses, land-owners, land developers, special interest groups, and government agencies.
- * A variety of publics should be sought out for a process; thus, time must be built into the activities to allow for quality participation.
- * In order to involve all community interests, a number of issues have to be addressed. The effective distribution of information is essential, as are the location and timing of meetings, the methods of advertising for the meetings, the structure of the meetings (i.e. the atmosphere), etc.
- * Encourage communication between various community interests.
- * Neighbourhoods are typically defined geographically and in some instances people within those geographical boundaries do not relate to each other because of different values and perspectives. This should not be a surprise given the variety of publics which comprise neighbourhoods in the urban core. Every group has a legitimate and no less important perspective in planning initiatives. A few examples of the variety of publics help make this point.
 - * people who organize neighbourhood associations which are concerned with specific or general planning issues
 - * Block Parents who offer a safe place for children who may be in danger on the street.
 - * People who live in residential care facilities.
 - * Neighbours who participate in Neighbourhood Watch and watch each others' home for intruders, etc.

- * People who spend time together because they share similar cultural and/or racial backgrounds.
- * Church groups which are composed of people who live near the church and meet regularly.
- * Groups of people who interact regularly because of similar political party support.
- * People who rent their homes and may come together around a property owner issue.
- * Groups of people who, because they are the same age, spend time sharing similar interests.
- * Business proprietors groups who work together to promote their establishments.

The challenge for those promoting public participation is how do we ensure that balanced input and participation happens across all groups. The larger public participation challenge is if certain groups do not exist because these individuals do not have the time or resources to organize themselves into a group.

4.2 Recognize Variety of Mechanisms to Solicit Participation

- * There are many different public participation mechanisms. These range from public meetings, open houses and community surveys which are owned and organized by the municipality through to community-based steering committees and joint planning strategies which are owned and coordinated by a variety of people including community people, agency staff, business proprietors and municipal staff. For example, timely neighbourhood plan reviews in local Planning Departments often provide a means to facilitate community development.
- * There are a myriad of 'techniques' that can be used to actively elicit effective participation from the public. The City must develop expertise, a bag of tricks, in methods of community development and 'community communication'. In order for such encouragement to be successful, we recommend that staff with community development expertise be assigned to support community organizations. In particular, we recommend that an experimental program of storefront community centres be established in selected Central Area neighbourhoods, through which community information and community participation programs could be designed and operated with the leadership of a team of community representatives and (City) support staff.

4.3 Encourage Variety of Publics to Own Process

- * The two-way flow of information has been identified as an important aspect of public participation. Full availability of information can start to address the power imbalance between those in power, the planners, and the various publics. The quality and type of information is also important; jargon and excessive volume hinder effective contributions by the public. Opportunities for incorporating enhanced communication between the City (i.e., staff and politicians) and all affected people must be explored.

4.4 Be Careful About Timing of Requests for Public Participation

- * The publics not only need information in order to make appropriate decisions, but need to be informed of planning activities at the beginning of these processes so that they can effectively participate in these processes. Information should be circulated with ample time for people to read it and prepare for a meeting. Requesting and encouraging public input on planning issues before reports are drafted is an essential criterion.

4.5 Consider Many Directions of Information Flows, Opinions, etc.

- * Community consultation must never be "tokenism", with the findings preset in advance. Nor should they be merely a forum for receiving "opinions". They must be opportunities for actual planning, with output (e.g., written reports, neighbourhood plans, etc.) varying according to the ideas and suggestions expressed by its participants. They must include the appropriate compromises and trade-offs made by all community interests.
- * Allowing the variety of publics to determine what their issues are is critical.
- * Enhancing interdepartmental communication is also important. The ideal of 'effective' public participation requires an opening up of planning processes within all city departments, not just the Planning Department. This will require the various departments to link more effectively to each other, and also to community groups, businesses, individuals and agencies. Thus, a coordinating mechanism needs to be established by the City, to ensure that all departments are aware of and can contribute to future policy initiatives and changes from their initial stages onward. For example, if the City were to be developing the terms of Reference for a transportation study, a study which will have fundamental impacts on the entire community, and most especially on the Central Area, a number of City and likely Regional departments would have to work together to address this in a holistic, integrated fashion, and to present a clear, concise picture of possible opportunities and requirements for public participation.

4.6 Consider the Type of Information Circulated to the Public

- * Some neighbourhoods involved in a land use planning process may contain high numbers of residents who may not speak English very well. Efforts should be made to translate information about public meetings, advisory committee recruitment, etc. so that people can make informed choices about their potential role. The quality and type of information is also important; jargon and excessive volume hinder effective contributions by the public. Opportunities for incorporating enhanced communication between the City (i.e., staff and politicians) and all affected people must be explored.

4.7 Encourage People to Help Themselves

- * Reviewing current planning procedures to enhance existing public participation procedures. There is a need to articulate a philosophy regarding enabling people to help themselves.

4.8 Facilitate City Council in its Decision-Making

- * Public input in the planning process does not necessarily delay the process. In fact, if it is properly provided for, it can streamline the process, as it provides an opportunity for mediation. All issues and positions are presented to Council to enable decision-making with full disclosure of the parties and their positions.

APPENDIX A

NEIGHBOURHOOD PLANNING PROCESS IN DEVELOPED NEIGHBOURHOODS

DATA COLLECTION

DATA COLLECTION

- statistics, site surveys, policies
- collection of background information
- comments from technical departments

PLAN PREPARATION

CITIZENS' COMMITTEE MEETINGS

- orientation and discussion
- presentation of background materials
- identification of problems with technical departments
- development of goals and objectives
- submission of briefs by members
- formulation of alternative plans
- development and review of proposals and policies

FEEDBACK FROM DEPARTMENTS

DRAFT NEIGHBOURHOOD PLAN

- circulation to technical departments for comments

PUBLIC MEETING APPROVAL

PLANNING AND DEVELOPMENT COMMITTEE

- authorization of public meeting on the proposed plan

PUBLIC MEETING

PLANNING AND DEVELOPMENT COMMITTEE

- plan presented to all neighbourhood citizens and owners
- written submissions invited from the public

STAFF REVIEW

STAFF REPORT

- revisions to plan, and final report presentation
- comments on written submissions

PLANNING COMMITTEE REVIEW

PLANNING AND DEVELOPMENT COMMITTEE

- final plan and report presented
- plan approved

COUNCIL ADOPTION

COUNCIL

- adoption of plan

IMPLEMENTATION

IMPLEMENTATION

- official plan
- zoning
- site plan control
- administrative procedures
- budget
- public and private expenditures

NEIGHBOURHOOD PLANNING PROCESS IN UNDEVELOPED NEIGHBOURHOODS

DATA COLLECTION

INHOUSE DATA COLLECTION

- statistics, site surveys, policies
- preparation of background report
- comments from City and Regional Departments and other agencies

PLAN PREPARATION

DRAFT NEIGHBOURHOOD PLAN

- identification of problems with technical departments
- development of goals and objectives
- formulation of alternative plans
- development of proposals and policies
- selection of preferred alternatives
- circulated to City and Regional Departments
- neighbourhood plan revised as required

PUBLIC MEETING APPROVAL

PLANNING AND DEVELOPMENT COMMITTEE

- authorizes public meeting on neighbourhood plan

PUBLIC MEETING

PUBLIC MEETING

- plan presented to all neighbourhood citizens
- written submissions invited from the public

STAFF REVIEW

STAFF REPORT

- final report on plan
- comments on written submissions

PLANNING COMMITTEE REVIEW

PLANNING AND DEVELOPMENT COMMITTEE

- final report presented
- plan approved

COUNCIL ADOPTION

COUNCIL

- adoption of plan

IMPLEMENTATION

IMPLEMENTATION

- official plan
- zoning
- site plan control
- public and private expenditures
- budget

3.2

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1993 March 11
TC-CAP(C)

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: Implementation of the Public Participation Policies - Central Area Plan.

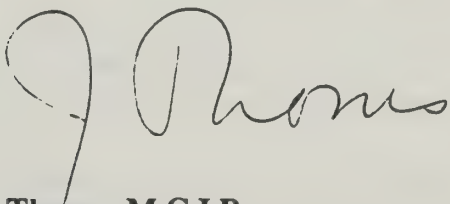
RECEIVED

MAR 16 1993

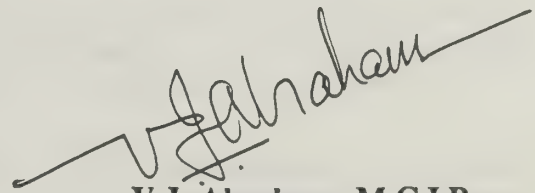
CITY CLERKS

RECOMMENDATION:

That the recommendations of the Central Area Plan Implementation Committee, as contained in the report dated March 11, 1993, be referred to the Planning and Development Department in order for Planning and Development Department to prepare, in concert with all City Departments, guidelines for public participation.



J.D. Thoms, M.C.I.P.
Commissioner,
Planning and Development Department



V.J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The Central Area Plan Implementation Committee has submitted a report, dated March 11, 1993, detailing recommendations for the implementation of the public participation policies of the Central Area Plan. The recommendations request Council to establish effective and consistent

public participation policies for all departments in the City. However, prior to establishing such policies, it is necessary for all departments to have an opportunity to outline their existing policies and practices with regard to public participation. Accordingly, it would be appropriate that the recommendations be referred to the Planning and Development Department to develop, in concert with all City Departments, the public participation guidelines.

Respecting the fourth recommendation of the Central Area Plan Implementation Committee, it should be noted that committee agendas are available to the public in the week prior to committee meetings. Other municipal information is available from both the City Clerk's office and the Central Branch of the Hamilton Public Library which should provide adequate public access to City documents.

MLT:mlt

CITY OF HAMILTON

- RECOMMENDATION -

4.

DATE: March 2, 1993
ZA-93-02
Ryckmans Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

RECEIVED

MAR 16 1993

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

CITY CLERKS

SUBJECT: Request for removal of the 'H' (Holding) Symbol - Nos. 1379 - 1383 Upper James Street.

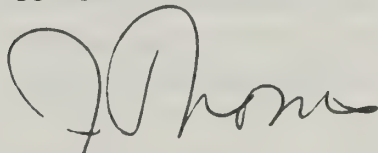
RECOMMENDATION:

That approval be given to Zoning Application 93-02, J. A. Riccio Developments Inc., owner, requesting the removal of the 'H' (Holding) symbol provision under Section 36 of the Planning Act, to permit the development of the subject lands for a proposed commercial development (i.e. furniture warehouse), and the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593, as amended by By-law 88-281, and Zoning District Map E-9C for presentation to City Council for the lands located at Nos. 1379 - 1383 Upper James Street, as shown on the attached map marked as Appendix "A".

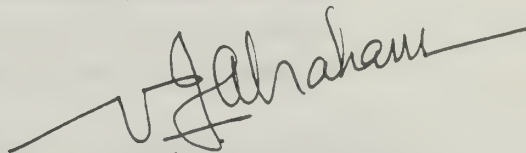
EXPLANATORY NOTE:

The purpose of this By-law is to remove the 'H' (Holding) symbol, for the lands located at Nos. 1379 - 1383 Upper James Street, as shown on the attached map marked as Appendix "A". The 'H' (Holding) provision was placed on the lands pending the installation of all such municipal sewers as the City deems necessary. In this regard, the Roads Department has advised that storm sewers, sanitary sewers and watermains are now available to service the subject lands.

The effect of the By-law is to permit the development of the subject lands for commercial development (i.e. furniture warehouse) in accordance with the "HH" (Restricted Community Shopping and Commercial) District provisions, as set out under By-law No. 88-281.



J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department



V.J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- By-law 88-281

On November 29, 1988, City Council passed By-law 88-281 which rezoned the subject lands from "AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District to "HH"- 'H' (Restricted Community Shopping and Commercial - Holding) District, modified to permit the development of the subject lands for a proposed retail plaza containing retail and warehouse commercial uses. The 'H' (Holding) symbol was placed on the lands pending the installation of all such municipal sewers as the City deems necessary.

- Site Plan Application (DA-93-02)

On February 8, 1993, the applicant filed Site Plan Control Application DA-93-02 applicable to the subject lands for the approval of the Planning and Development Committee. The proposal involves a one storey, 2,511 m² (27,029 sq. ft.) furniture warehouse building with a retail sales area of 1,858 m² (20,000 sq. ft.). A total of 52 parking spaces and 2 loading spaces are to be provided.

COMMENTS RECEIVED:

- The Roads Department has reviewed the application and has forwarded the following comments:

- "1. There are storm sewers, sanitary sewers and watermains available to service the subject lands.
2. In reviewing this application, we note that ZA 88-40 was previously submitted for these lands. At that time we raised a number of concerns with respect to roadway improvements, access restrictions, road widenings and the consolidation of this property development with lands to the north. We have attached a copy of our letter dated July 4, 1988 (see Appendix "B") on this zoning application and advise at this time that these comments are still applicable to this development approval."

- The Building Department has advised that:

- "1. Demolition approval of the existing residential building by the Planning and Development Committee under the Demolition Control By-law is required.
2. Demolition permit is required for the existing residential building to be removed."

COMMENTS:

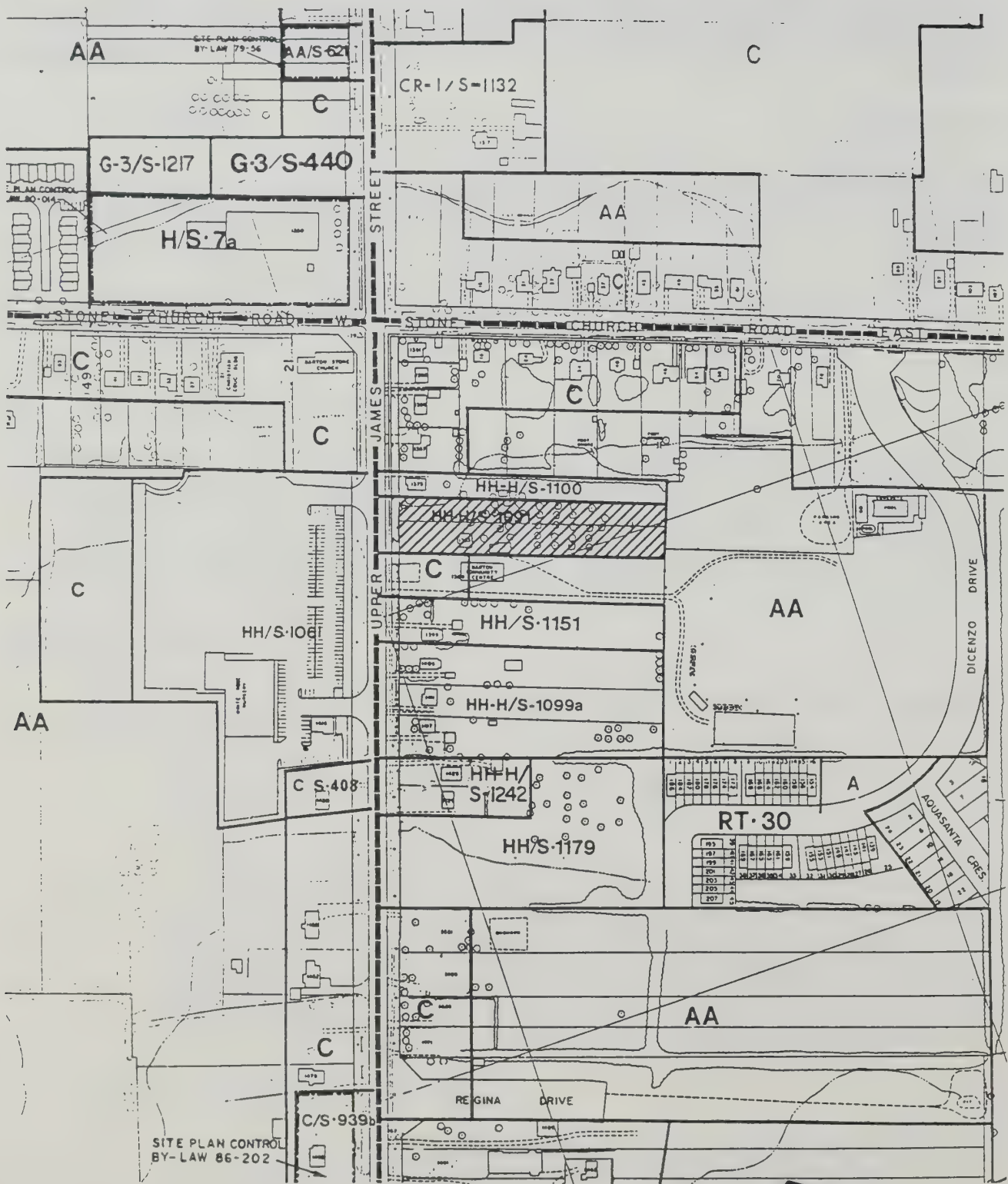
Since municipal services are now available, and the concerns of the Roads Department with respect to roadway improvements, access restrictions, road widenings, etc. can be addressed under site plan approval, it is appropriate to remove the 'H' (Holding) symbol from the above noted property.

CONCLUSION:

On the basis of the foregoing, the application can be supported.

GAW/

WPZA9302



Legend



Site of the Application

↑
ZAR 93-02

APPENDIX A



THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

Department of Engineering
71 Main Street West, Hamilton, Ont. L8N 3T4 (416) 526-4170

ID 0134D(45)

Refer to File No. E220-1808
Attention of T.L. Hearn
Your File No. ZA-88-40

July 4, 1988

TO: V.J. Abraham, Planning Department
FROM: K.A. Brenner, Engineering Department
RE: Zoning Application ZA-88-40 to change from "AA" and
"C" to HH" district for property known as 1379-1383
Upper James Street.

Please be advised that public watermains. Sanitary and storm sewers are not available to service the subject lands as yet. We anticipate installation in 1989.

The designated road allowance width of Upper James Street is 36.58m (120ft.). As a condition of approval we recommend that sufficient lands be dedicated to the Region to establish the property line 18.29m (60ft.) from the centre line of the original Upper James Street road allowance.

Any work within the Upper James Street road allowance must conform to the Region's Roads Use By-Law.

The applicant should be advised that the future reconstruction and widening of Upper James Street may include the construction of raised concrete median islands which may restrict access to the subject lands.

We also advise that any roadway improvements resulting from this development will be at the expense of the owner applicant. Further details will be specified at such time as site plans are submitted for our review and comments. The applicant may wish to contact the City's Traffic Department to determine the access points prior to the preparation of the detailed site plans.

Cont'd...

APPENDIX 8

Page 2-

July 4, 1988

Zoning Application ZA-88-40 to change from "AA" and "C" to "HH"
district for property known as 1379-1383 Upper James Street.

Cont'd...

We recommend that the subject lands and the lands immediately to the north be developed in conjunction with each other to reduce the number of access points.

K. A. Brenner
for K. A. Brenner

TLH:jd

encl.

cc: M.A. Chidley, Regional Surveyor

cc: M. Main, City of Hamilton, Traffic Dept.

5.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1993 March 16

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Charlene J. Coutts, Secretary
Local Architectural Conservation
Advisory Committee

RECEIVED

MAR 16 1993

CITY CLERKS

SUBJECT: Fearman House, 90 Stinson Street - Designation
Recommendation

RECOMMENDATION:

- a) That approval be given to the "Intent to Designate" 90 Stinson Street as a property of historical and architectural value, pursuant to the provisions of the Ontario Heritage Act, 1983, as outlined in the Reasons for Designation attached herewith and marked as Appendix "A"; and,
- b) That the City Solicitor be authorized and directed to take appropriate action to have this property designated pursuant to the provisions of the Ontario Heritage Act, 1983.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

n/a

BACKGROUND:

An application for a Demolition Permit has been submitted for the *listed* property at 90 Stinson Street as well as the property at 82 Stinson Street, both owned by the Roman Catholic Diocese of Hamilton (photographs attached). 90 and 82 Stinson Street are now occupied respectively by the Catholic Youth Organization and the Catholic Family Services but both organizations will be moving out shortly.

The Demolition Permit application does not require Council approval because both buildings (originally single-family dwellings) are currently used for institutional offices and have no residential component. The application is therefore not subject to the provisions

Charlene J. Coutts

of the Demolition Control By-law. The only requirements under the Ontario Building Code are that the buildings are vacated and the utilities shut off.

90 Stinson Street, known as the *Fearman House*, is listed on LACAC's Inventory of Buildings of Architectural and/or Historical Interest and is included in a shorter list of buildings of particular local importance.

At an emergency meeting held 1993 March 10 LACAC's Research Sub-committee evaluated the Fearman House at 90 Stinson Street as being worthy of designation.

If Council should approve this designation recommendation at its meeting of 1993 March 30, then a time delay (of up to 270 days) could be imposed before the demolition permit is issued. The Ontario Heritage Act provides for the designation of a property without the owner's consent, thereby allowing an opportunity to investigate alternatives to demolition.

There is a possibility that neither building will be demolished immediately. One group has already contacted the Diocese regarding the possible adaptive re-use of 90 Stinson Street for non-profit housing.

Planning, architectural and historical background attached.

Attached

c.c. Alderman W. McCulloch, Ward 2
Alderman V. Agro, Ward 2
Helaine Ortmann, President, Stinson Community Association
Most Reverend Bishop A. Tonnas, Roman Catholic Diocese of Hamilton
700 King Street West, Hamilton, L8P 1C7
Victor Abraham, Director of Local Planning
Nina Chapple, Planning Department
Patrice Noe Johnson, City Solicitor

PLANNING INFORMATION

90 Stinson Street (Fearman House)

DATE: March 11, 1993

HERITAGE STATUS: Listed on the City of Hamilton's Inventory of Buildings of Architectural and/or Historical Interest and on LACAC's short list of significant buildings.

NEIGHBOURHOOD: Stinson

ZONING: "D" (Urban Protected Residential - One and Two-Family Townhouses, etc.) District.

The Planning Department would consider bonussing, as it has in the past when heritage buildings have been endangered, provided 90 Stinson is retained and re-used.

Current Application for

- **Zoning Change:** No
- **Minor Variance:** No

OFFICIAL PLAN POLICIES:

The subject property is designated "Residential" on Schedule A - Land Use Concept of the Official Plan. The following policies should be noted:

A.2.1.3 Within areas designated RESIDENTIAL, land uses compatible to dwellings and deemed necessary by Council to serve the needs of local residents will be permitted, including, but not limited to:

- ii) Schools, churches and similar institutional uses less than .4 hectare in size, in accordance with the provisions for Major Institutional Uses as set out in Subsection A.2.6 of this Plan;

In addition, policy A.2.6.1 of Subsection A.2.6 of Subsection A.2.6 - Major Institutional Uses should be noted:

A.2.6.1 The primary uses permitted in the areas exceeding .4 hectare in size designated on Schedule "A" as MAJOR INSTITUTIONAL, will consist of cultural facilities, health, welfare, educational, religious, and governmental activities and related uses.

However, such uses less than .4 hectare in site area will be permitted in areas designated Residential, provided they satisfy the requirements of Policy A.2.1.3. Further, notwithstanding the above site area requirements, MAJOR INSTITUTIONAL uses will also be permitted in areas designated Commercial as set out in Policy A.2.2.1 (O.P.A. No 27).

Since the Diocese plans to vacate the building, the following policy should be noted:

C.6.1 In accordance with the Regional Official Plan, Council will consult with the Local Architectural Conservation Advisory Committee to advise in matters relating to ARCHITECTURAL conservation. In particular, this Committee may be required to periodically identify and catalogue buildings of ARCHITECTURAL AND HISTORIC significance that are worthy of preservation through individual designation as buildings of Historic or Architectural Value under the provisions of the Ontario Heritage Act.

Depending on the future use of the building/site, an Official Plan amendment may be required.

NEIGHBOURHOOD PLAN POLICIES:

The subject property is designated "Civic and Institutional" on the approved Stinson Neighbourhood Plan. The adjacent properties to the south and west of the subject lands, as well as the properties to the north and east, fronting on East Avenue South, are designated "single and double".

Redevelopment of the site should be compatible with surrounding uses.

Redevelopment would likely require an amendment to the Stinson Neighbourhood Plan.

SITE PLAN CONTROL: Yes

Current Site Plan Application: No

DEMOLITION CONTROL: Not under demolition control.

90 Stinson Street

(at the head of East Avenue South)

The Fearman House

The stone house was built in 1863* by Frederick W. Fearman (1825-1906) on a commanding site at the head of East Avenue South.

Stylistically, the house is Gothic Revival, reflecting different stages of that style in its various phases of growth, starting with construction in 1863 and major improvements dating from 1875 and 1890. The end result is a mansion of impressive dimension and individual character; with its central tower acting as the focal point for the charming, tree-lined streetscape of East Avenue - a configuration beneficial to both house and neighbourhood.

The location of the Fearman house has always been an interesting factor, for when built in 1863, the dwelling stood virtually on the eastern limits of the pre-industrial city overlooking the farmlands to the east and vacant lots to the south.

The Fearman House
90 Stinson Street

ARCHITECTURAL/ HISTORICAL BACKGROUND

ARCHITECTURAL DESCRIPTION AND SIGNIFICANCE

Date of Construction: built in several stages, beginning in 1863.

Construction: 2 1/2 storey stone masonry structure.

Condition: appears from an inspection of the exterior to be in relatively good condition.

Architectural Integrity: well-preserved in its late 19th century form; few and only minor alterations made in recent years.

Significance:

The Fearman House is one of few surviving stone mansions in Hamilton, ranking among the finest examples*. Its unique design, combining Gothic Revival and Italianate elements, features an impressive three-storey entrance tower with pointed arched windows and doorways, a tall mansard roof, and decorative brackets and gables.

* These include *Rock Castle* (95 Arkledon Ave.), *Ballinahinch* (316 James St. S.), and *Inglewood* (15 Inglewood Drive); the former two buildings are both designated under the Ontario Heritage Act.

HISTORICAL ASSOCIATIONS AND SIGNIFICANCE

History of ownership and occupancy: built for Frederick William Fearman; owned and occupied by the Fearman family until sold to Robert S. Hart in 1926; acquired by the Catholic Welfare Bureau in 1954 and has since accommodated various Catholic agencies, including the Children's Aid Society and Youth Organization.

Significance:

The historical importance of the house at 90 Stinson Street stems from its long association with the Fearman family, particularly the original owner, *Frederick William Fearman*. F. W. Fearman is best known for his contribution to the meat-packing industry: he developed his own meat-packing business into one of the largest and most innovative enterprises in the country and played an instrumental role in the founding of the Pork Packers' Association.

F.W. Fearman & Co. distinguished itself as the first packing house in Canada where every operation associated with the final product (slaughtering, hanging, salting, smoking and canning) was performed at the same location. The firm also pioneered the use of cold-storage warehouses and developed an international market for certain products, notably *Star Brand* hams and bacons.

In addition, Fearman was a highly respected citizen and a leader in civic affairs. He lobbied in 1855 for a waterworks system and later for the expansion of the city's parkland (including the acquisition of Dundurn Park), and served for varying terms as a member of the Board of Education, city councillor, member of the Public Library Board, and honorary first chairman of the Parks Board.



Frederick William Fearman
(1825-1906)

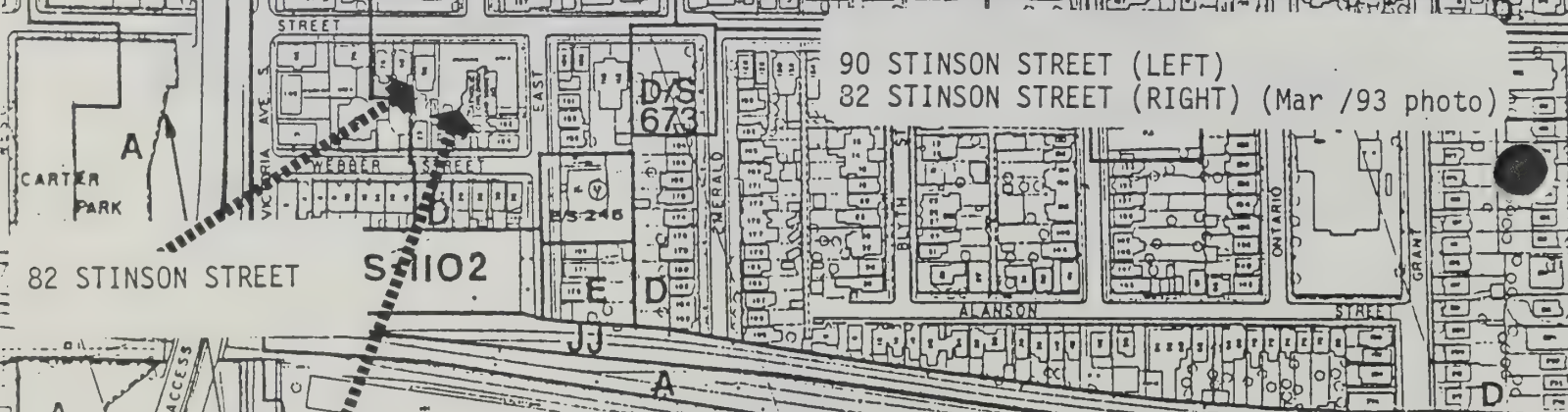
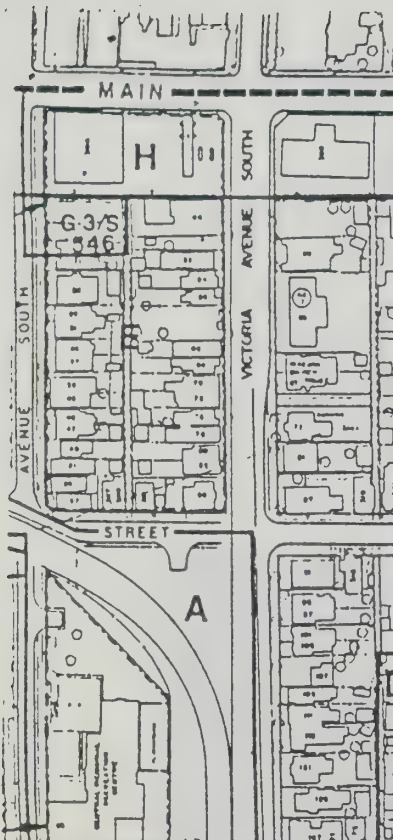
An application for a demolition permit has been submitted for these buildings (photo's taken March, 1993):



90 Stinson Street
Fearman House



82 Stinson Street



90 STINSON STREET (LEFT)
82 STINSON STREET (RIGHT) (Mar /93 photo)



CITY OF HAMILTON

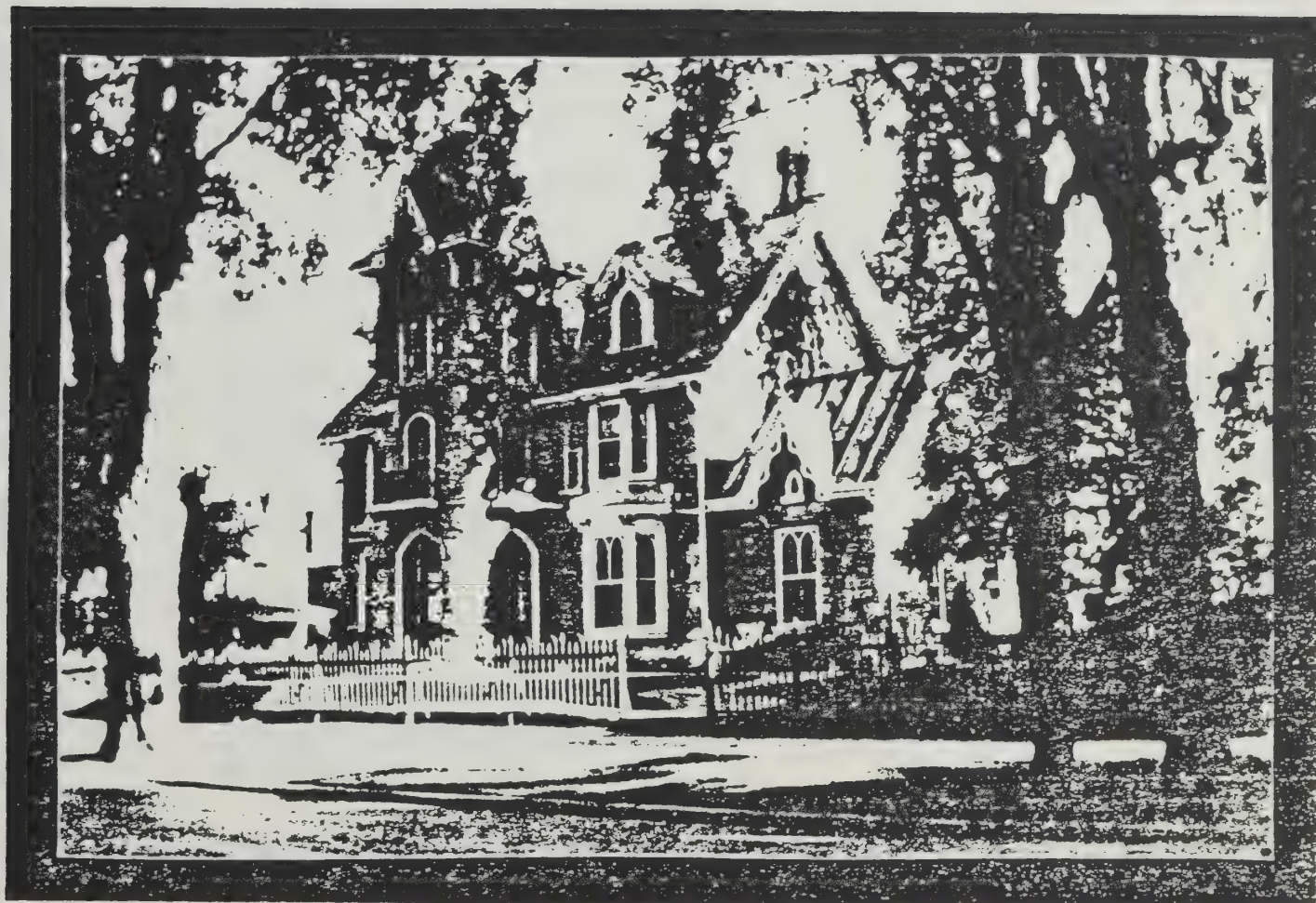
STINSON ZONING

PLANNING UNIT NO 6601

PAGE NO 125

WORTH

90 Stinson Street



The Fearman house as it appeared around the 1940s, when still a private residence.

Photo by G. Laidler, courtesy of the Hamilton Public Library, Special Collections.

p+D March 3/93 7

6.

Dominic Agostino

Alderman Ward 5 Regional Councillor



City of
HAMILTON

Health & Social Services
Committee
-Chairman

Hamilton Farmer's Market
Subcommittee
-Chairman

Visible Minorities
Representation
Subcommittee
-Chairman

Employee Suggestion
Subcommittee
-Chairman

TKS Investigation
Subcommittee
-Chairman

Hamilton Parking Authority
Committee
-Vice-Chairman

Parks and Recreation
Committee
-Member

Economic Development
Committee
-Member

Airport Management
Board
-Member

CFL Hall of Fame
Committee
-Member

Status of Women
Subcommittee
-Member

Regional Audit
Committee
-Member

Hamilton Civic Hospitals
Board
-Member

Art Gallery of Hamilton
Board
-Member

Hamilton Scourge Project
Committee
-Member

Association of Municipalities
of Ontario - Executive Board
-Member

Procedural By-Law
Subcommittee
-Member



1993 February 18

Mr. J. Schatz,
City Clerk

Dear Mr. Schatz:

Please find enclosed a copy of a memo in regards to User Fees in the City of East York.

I would appreciate it if you could ensure that this item is placed on the agenda of either the Planning and Development Committee or the Transport and Environment Committee, as a delegation item from myself.

Thank you, I look forward to your response.

Yours sincerely,

**DOMINIC AGOSTINO, ALDERMAN,
WARD 5**

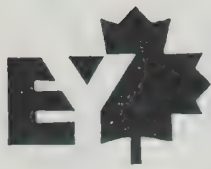
DA:tb

OFFICE OF THE CITY CLERK

FEB 19 1993

REC. BY *ad* DATE
REF'D. TO DATE
R. F'D. TO *T.A.* DATE
R. F'D. TO DATE

ACTION: *F.Y.A.*
rec'd Feb 24
T.A.



East York

Corporation of the
Borough of East York

850 Coxwell Avenue
East York, Ontario
Canada M4C 5R1

Office of the Mayor

David J. Johnson
Mayor

Tel (416) 778-2020
Fax (416) 778-9254

February 2, 1993

Mr. Dominic Agostino
Alderman Ward 5
City of Hamilton
City Hall 71 Main Street West
Hamilton ON L8N 3T4

Dear Mr. Agostino:

Thank you for your letter of January 19, 1993. I have attached a chart of what our fees and charges were previously and now, after the "no fees" by-laws were adopted, and a regional comparison.

East York is, I believe, the only municipality in Ontario to eliminate fees across the board for business applications. You should note that we have not changed the fee structure for residential.

We have received wide press coverage on this and I feel businesses are expanding here that might not have done so before. If you need further information, Bill Anderson our Director of Economic Development at (416) 778-2150 would be happy to help you.

Thank you for your interest in East York.

Yours very truly


DAVID J. JOHNSON
Mayor

We'll make you our business!



No Fees!

**FOR ALL
INDUSTRIAL AND COMMERCIAL DEVELOPMENT & RENOVATION**
(EXAMPLE BASED ON A 100,000 S.F. OFFICE BUILDING)

NO PLANNING FEES

Official Plan and Zoning By-law Amendment

Fee (\$750 Application Fee)

Planning Processing Fee (\$.093/S.F.)

Consulting (Discretion of Planning Comm'r)

Legal Fee (Admin. for Consulting Agreement)

Site Plan Approval Fee (\$500)

Processing Fee (\$0.93/S.F.)

Previous Charges

~~\$ 750~~

~~\$ 9,300~~

~~\$ 10,000~~

~~\$ 1,000~~

~~\$ 500~~

~~\$ 9,300~~

NO PARKLAND DEDICATION FEES

(None for Commercial-Industrial)

\$ 0

NO BUILDING FEES

Building Permit (\$11/\$1000)

~~\$110,000~~

Protection Guarantee (Refundable)

NO SERVICE CONNECTION HOOK-UP COSTS

Service Connections (Up to \$100,000)

~~\$100,000~~

NO DEVELOPMENT CHARGES

(None for Commercial-Industrial)

\$ 0

TOTAL SAVINGS

\$240,850

*East York has eliminated
all of the above development costs
until December 31, 1994!*

For Property information call Bill Anderson, (416) 778-2150

ESTIMATED MUNICIPAL FEE COMPARISONS FOR A 100,000 SQ. FT. OFFICE BUILDING

100,000 sq. ft bldg or 9290 sq. metres

Estimated Construction Value: \$10,000,000

Estimated Land Value For Parkland Dedication: \$500,000

	EAST YORK	ETOBICOKE	NORTH YORK	TORONTO	YORK	MARKHAM
Planning Fees						
Official Plan & Zoning By-law Amendment						
Fee	\$0	\$1,000 \$500	\$1,250 \$1,250	\$300 \$500	\$2,000	\$1,100 \$1,100
Planning Processing Fee	\$0	\$4,395 \$0.50/ Sq. Metre >500 Sq. Metres	\$2,323 \$0.25/ Sq. Metre	\$6,593 \$0.75/ Sq. Metre Over 500 Sq. Metre	\$1,858.00 \$20/100 sq m	
Consultants Reviews Usually At Discretion of Planning Commissioner	No Charge	N/A	N/A	N/A	Charges* \$5-\$40 Thous	N/A
Site Plan Approval						
Fee	\$0	\$500	\$1,250	\$500	\$500	\$1,100
Processing Fee	\$0	\$4,145	\$1,161	\$4,145	\$1,858.00	N/A
Registration (legal)	\$0	\$750		N/A	\$20/100 sq m	
Parkland Dedication Fees						
Fee	\$0	\$10,000	\$10,000	\$10,000	\$10,000	\$10,000
Appraisal		2 1/2 Land Value	2 1/2 Land Value	2 1/2 Land Value	2 1/2 Land Value	2 1/2 Land Value
Building Fees						
Building Permit	\$0	\$120,000 [\$12/\$1,000]	\$110,440 \$40 First \$4000 [\$11.50/\$1,000]	\$100,000 \$100,000 [\$10/1000] Plus \$30	\$120,000 [\$12/\$1,000]	\$120,000 [\$12/\$1,000]
Development Charges						
If Applicable, these include: Municipal/Regional/School Board Charges Hydro Charges	\$0	\$0 City Wide Yonge Centre \$18.41/sq. metre	\$84,818 \$9.13/sq. \$171,029 Yonge Centre \$18.41/sq. metre	\$0	\$166,000 \$1.66/SQ. FT.	\$505,000 \$4.285/SQ. FT.
TOTAL	\$0	\$141,290	\$212,491 City Wide \$383,520 Yonge Centre	\$131,828	\$302,216*	\$638,300

* City Of York study review charges not included in total.

Source: Area municipality Planning/Building Department Information obtained the week of October 19, 1992

Compiled By: East York Economic Development

CITY OF HAMILTON

- RECOMMENDATION -

RECEIVED

DATE: March 1, 1993

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P.Eng.
Building Commissioner

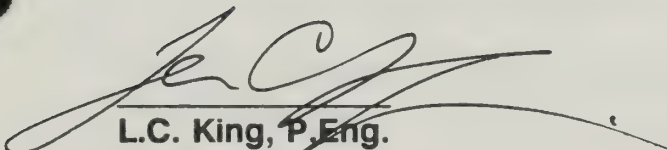
SUBJECT: Cash-in-Lieu of Parking Policy
(93.2.4.2.1.A, 93.4.2.1.A)

MAR 2 1993

CITY CLERKS

RECOMMENDATION:

That the Planning and Development Committee establish an application fee of \$350 for an application for cash-in-lieu of parking.



L.C. King, P.Eng.
LCK/PCL/dm

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

There are an average of six applications for cash-in-lieu on a yearly basis. At the present rate of \$350 per application this will mean additional revenue of \$2,100 per year for the City.

BACKGROUND:

The Cash-in-Lieu of Parking Committee was established by Council policy in 1986. The role of this staff committee is to review applications for cash-in-lieu of parking and to make recommendations to the Planning and Development Committee.

The Committee is represented by members of the Building, Planning and Development, Property, Real Estate Division, and Traffic Departments, and the Hamilton Parking Authority. With respect to legal matters, the Law Department provides advice and assistance.

In that an application for cash-in-lieu is similar to a Committee of Adjustment application, the staff subcommittee felt that a fee should be charged for making an application for cash-in-lieu. Staff members have to convene to discuss the application and often expert technical information has to be researched. On this basis, the Committee felt that an application fee similar to that charged by the Committee of Adjustment fee would be appropriate.

Implementation of a fee will help to offset administrative costs associated with processing these applications and will prevent frivolous applications.

(Attachment: Application form)

GENERAL INFORMATION FOR CASH-IN LIEU OF PARKING APPLICATIONS

Purpose

Pursuant to Section 39 of the Planning Act, the purpose of the Cash-in-Lieu is to provide relief from the parking provisions of Zoning By-law #6593 by providing proponents of development the option of making a cash payment to the City. Such funds are to be used for the provision of off-street parking on a city-wide basis. The Policy applies to all areas in the City, except for residential zones.

Applicability

This Policy can be applied to all developments and/or redevelopments through the City except for residential zones. Further, the Policy can be utilized provided that planning and traffic objectives are not jeopardized.

Cash Payment

Payments are made based on the estimated cost of each required parking space not provided in the development and/or redevelopment. Payments made by proponents will not be less than 50% of the total cost of the parking not provided. The cost of each parking space will be calculated based on the following criteria:

- estimated construction cost based on current rates; and,
- estimated land cost determined by current market value of the property.

The following formulae is used to calculate a proponent's share of cash payment in lieu of parking not provided:

- Surface Parking $= [C_1 + (L \times S_1)] \times N \times 50\%$
- Multi-level Parking $= [C_2 + (L \times S_2)] \times N \times 50\%$

where:

- C_1 = current estimate of construction cost of a surface parking space;
- C_2 = current estimate of construction cost of a parking space in a multi-level parking structure;
- L = current estimate of land cost of a parking space based on the current market value of the lands where development and/or redevelopment is proposed;
- S_1 = size of each surface parking space including space required for aisles and driveways;
- S_2 = size of each parking space in a multi-level parking structure including space required for aisles and driveways;
- N = number of parking spaces for which cash payment is requested by the proponent; and,
- 50% = proponent's share of the total costs.

Payment shall be made in a lump sum prior to the issuance of a building permit. Payments may also be made by mutually agreed instalments which will include interest. In each case, an Agreement is entered into between the City and proponent. In cases when payments are made by instalments, the Agreement is registered against the title of the land in the Registry Office, as a lien against the property, until discharged.

All moneys are deposited in the "Reserve Funds for Off-Street Parking" for the purposes of increasing the amount of municipal off-street parking in the City.

General

- Cash payment in lieu of required parking spaces is not a right, but is an exception to the rule which may be granted by the municipality.
- Cash payment in lieu may be made for all or part of the parking spaces required by the zoning by-law.
- The municipality, having accept the cash payment option, will be under no obligation to provide parking spaces at any particular location at any particular time.
- Proponents electing to use the cash payment option will have no proprietary rights to free or reduced-rate parking, nor any equity whatsoever in any lot which may subsequently be constructed by The Parking Authority.

Administration

To administer the Policy, a Cash-in-Lieu of Parking Committee was established. This Committee consists of a member from:

- Traffic Department
- The Hamilton Parking Authority
- Property Department, Real Estate Division
- The Local Planning Branch of the Hamilton-Wentworth Planning and Development Department; and,
- Building Department

In each case, the Cash-in-Lieu of Parking Committee determines the cost of each parking spaces and require a cash payment to be paid by the proponent. The City Solicitor will prepare the necessary Agreement specifying the amount and conditions of payment. An Agreement will be entered into prior to the issuance of a building permit. All moneys received will be deposited in the "Reserve for Off-Street Parking Account".

Application Fee

There is a non-refundable application fee of **\$350.00** per property.

**CITY OF HAMILTON
CASH-IN-LIEU OF PARKING APPLICATION
CITY HALL
HAMILTON, ONTARIO**

(Please Print Clearly)

(Application Fee - \$350.00)

Name of Owner

Telephone No.

Address

Postal Code

Name of Agent (if any)

Telephone No.

Address

Postal Code

N.B.: Unless otherwise requested, all communications will be sent to the agent, if any.

Number of parking spaces applied for:

Why is it not possible to comply with the provisions of the by-law?

**Legal description of subject land (registered plan number and lot number or other legal description
and, where applicable, street and street number):**

Dimensions of land affected:

Frontage _____

Depth _____

Area _____

Width of Street _____

Particulars of all buildings and structures on or proposed for the subject land: (Specify ground floor area, gross floor area, number of storeys, width, length, height, etc.)

EXISTING: _____

PROPOSED: _____

Date of acquisition of subject land:

Date of construction of all buildings and structures on subject land:

Existing uses of abutting properties:

Length of time existing uses of the subject property have continued:

Municipal services available (✓ appropriate space or spaces):

Water	_____	Connected	_____
-------	-------	-----------	-------

Sanitary Sewers	_____	Connected	_____
-----------------	-------	-----------	-------

Storm Sewers	_____
--------------	-------

Present Zoning By-law provisions applying to the land:

Has the owner previously applied for cash-in-lieu in respect of the subject property?

Yes _____

No _____

If the answer is yes, describe briefly:

(Signature of application or authorized agent)

Dated at the _____ of _____ this _____ day

of _____ 19____ I, _____ of the _____

_____ in the Regional Municipality of _____

_____ solemnly declare that all the statements contained in this application are true, and I make this solemn declaration conscientiously believing it to be true, and knowing that is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.

Declared before me at the City of)

_____)

_____)

in the Regional Municipality of)

_____)

_____)

this _____ day of)

_____)

_____ 19____.)

(Signature)

A Commissioner, etc.

8

CITY OF HAMILTON
- RECOMMENDATION -

RECEIVED

MAR 17 1993

CITY CLERKS

DATE: March 17, 1993
(Regional File 25T-92011)

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: Proposed Re-zoning Application
Proposed Draft Plan of Subdivision, "Hamilton Gourley Stage 1".

RECOMMENDATION:

(1) Zoning By-law Application

That approval be given to amended Zoning Application 92-51, Ontario Land Corporation, owner, requesting a modification in zoning to the established "C" (Urban Protected Residential, etc.) District to permit seven (7) single-family detached dwelling lots with reduced widths and four (4) of the lots with reduced areas, for lands located between Duncairn Crescent and Heatherdale Place, and west of Gondola Street, as shown on the attached map marked as APPENDIX "A", on the following basis:

- (i) That the "C" (Urban Protected Residential, etc.) District regulations as contained in Section 9 of Zoning By-law No. 6593 applicable to the subject lands, be modified to include the following variance as a special requirement:
 - a) That notwithstanding Section 9.(4) of Zoning By-law No. 6593, a minimum lot width of 11.4 m (37.4 ft.) and a minimum lot area of 350.0 m² (3,767.5 sq. ft.), shall be provided and maintained for every lot;
- (ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map W-17B be notated S- ;

- (iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-17B for presentation to City Council;
- (iv) That the proposed modification in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE:

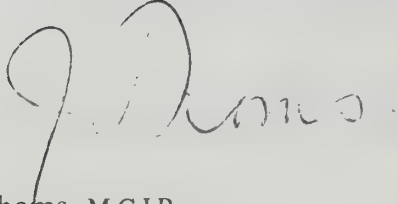
The purpose of the by-law is to provide for a modification in zoning to the established "C" (Urban Protected Residential, etc.) District for the lands located between Duncairn Crescent and Heatherdale Place, and west of Gondola Street, as shown on the attached map marked as APPENDIX "A".

The effect of the by-law is to permit development of the subject lands for seven (7) single-family detached dwelling lots with reduced widths [i.e. 11.4 m (37.4 ft.) minimum] and four (4) of the lots with reduced areas [i.e. 350.0 m² (3,767.5 sq. ft.) minimum].


(2) Subdivision Application

- a) That approval be given to application 25T-92011, "Hamilton Gourley Stage 1", Ontario Land Corporation, owner, to establish a draft plan of subdivision, on lands situated between Heatherdale Place and Duncairn Crescent in the Gourley Neighbourhood, subject to the following conditions:
 - 1. That this approval apply to the plan, as revised in red, prepared by A. J. Clarke and Associates Limited, stamp dated November 13, 1992, showing 20 lots for single family dwellings.
 - 2. That Lots 7 to 11 inclusive, be revised to avoid a potential overlapping of driveways within the boulevard area.
 - 3. That the Owner satisfy all financial requirements of both the City of Hamilton and the Region of Hamilton-Wentworth with respect to providing municipal services to the subdivision lands and costs associated with the 0.30 metre reserves (Parts 2, 4, and 6 shown on Plan 62R-12372) on Duncairn Crescent and Gondola Street.
 - 4. That the Owner be required to enter into subdivision agreements with both the City of Hamilton and the Region of Hamilton-Wentworth prior to the development of any portion of these lands.
 - 5. That a grading plan be submitted to the Parks Division of the City of Hamilton Public Works Department to facilitate the integration of this project with the adjacent parkland.

6. That the final plan not be approved until such time as municipal sewers, water and adequate road access are available to service the lands.
 7. That the streets be dedicated as public highways on the final plan to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.
 8. That the streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.
 9. That the final plan conform with the Zoning By-law approved under the Planning Act.
 10. That such easements as may be provided for utility or drainage purposes be granted to the appropriate authority.
 11. That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block and the gross area of the subdivision in the final plan.
 12. That the owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton for park purposes.
 13. That the owner shall erect a sign in accordance with Section XI of the subsequent agreement, prior to the issuance of a final release by the City of Hamilton.
 14. That the owner agree in writing to satisfy all requirements, financial and otherwise, of the City of Hamilton.
- b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Regional Municipality of Hamilton-Wentworth with respect to this application (25T-92011), Ontario Land Corporation, owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.



J. D. Thoms, M.C.I.P.
Commissioner
Planning & Development Department



J. J. Abraham, M.C.I.P.
Director
Local Planning Branch

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Owner:

The Ontario Land Corporation (Ministry of Government Services).

Agent and Surveyor:

A. J. Clarke and Associates Limited, Hamilton, Ontario

Location:

The lands, comprising 0.832 hectares, are located between Heatherdale Place and Duncairn Crescent in the Gourley Neighbourhood, City of Hamilton.

Land Use and Zoning:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Vacant	"C" (Urban Protected Residential, etc.) District
<u>Surrounding Lands</u>		
to the north, east and west	Residential	"C" (Urban Protected Residential, etc.) District
to the south	Vacant	"AA" (Agricultural) District

Re-zoning Proposal:

The owner proposes to modify the established "C" District zoning to permit seven (7) single-family detached dwelling lots with reduced widths and four (4) of the lots with reduced areas, for lands located between Duncairn Crescent and Heatherdale Place, and west of Gondola Street.

Subdivision Proposal:

The owner is proposing to subdivide the lands into 20 lots for single-family dwellings.

Existing Development Controls:

Hamilton-Wentworth Official Plan The lands are within the "Urban Policy Areas" and identified as Residential & Related Uses. The proposal complies.

City of Hamilton Official Plan The lands are designated "Residential". The proposal complies.

Neighbourhood Plan The lands are designated for single and double units. The proposal complies.

Zoning The lands are zoned "C" (Urban Protected Residential, etc.) District. Lots 14 to 20 inclusive would not comply with the "C" minimum lot width and area requirements.

Comments from Circulation:1. Re-zoning Application:

The following Agencies and Departments have no comment or objection:

- Hamilton Region Conservation Authority;
- Special Projects Office;
- Union Gas; and,
- Traffic Department.

The Roads Department has advised the following:

- "1) *Public watermains, storm and sanitary sewers as well as roadway asphalt and concrete curbs are existing on the portions of Duncairn Crescent and Gondola Street which are adjacent to the lands of this plan of subdivision.*
- 2) *The City of Hamilton has established Duncairn Crescent and Gondola Street, adjacent to the lands of this plan, as a public roadway by By-law Nos. 92-291 and 92-292 in order to provide road access to adjacent lands to the east registered under Plan 62M-720."*

The Building Department has reviewed the application and has forwarded the following comment:

"1. In addition to lot width, it appears that some of the lots do not have the minimum lot area of 360 m²."

2. Subdivision Application:

The following agencies were circulated and have advised that they have either no comments or objections to the approval of the proposed plan of subdivision:

- Ministry of Culture and Communication;
- Ontario Hydro, Union Gas and Bell Canada.

The Hamilton-Wentworth Roads Department submitted the following comments and recommendations:

"FOR INFORMATION:

- (1) *Public watermains, storm and sanitary sewers, as well as roadway asphalt and concrete curbs are existing on the portions of Duncairn Crescent and Gondola Street which are adjacent to the lands of this plan of subdivision.*
- (2) *The City of Hamilton has established Duncairn Crescent and Gondola Street, adjacent to the lands of this plan, as a public roadway by By-law Nos. 92-291 and 92-292 in order to provide road access to the adjacent lands to the east registered under Plan 62M-720.*
- (3) *The north and east limits of Gondola Street (circled in Red on the attached plan) and the east and west limits of Duncairn Crescent as well as the south limit (also circled in Red on the attached plan) should not be shown in a heavy line as these lands (Duncairn Crescent and Gondola Street) are not within the limits of the proposed draft plan of subdivision.*

RECOMMENDATIONS:

- (1) *That the Owner satisfy all financial requirements of both the City of Hamilton and the Region of Hamilton-Wentworth with respect to providing municipal services to the subdivision lands and costs associated with the 0.30 metre reserves (Parts 2, 4, and 6 shown on Plan 62R-12372) on Duncairn Crescent and Gondola Street.*

- (2) *That the Owner be required to enter into subdivision agreements with both the City of Hamilton and the Region of Hamilton-Wentworth prior to the development of any portion of these lands.*

The submitted plan as prepared by B. J. Clarke, O.L.S., and stamped with the date 1992 November 13 is satisfactory to the Transportation/Environmental Services Group subject to the above noted comments and recommendations".

The Hamilton Public Works Department (Parks Division) advises that:

"The Parks Division has no objections to this proposal, however, it would be beneficial for this Division to receive the proposed grading plan for the development to facilitate the integration of this project with the adjacent parkland".

The Hamilton Traffic Department advises that:

"We recommend that the lot lines of Lots 7 to 11 be adjusted as indicated on the attached plan in order to avoid the potential overlapping of driveways within the boulevard area".

COMMENTS:

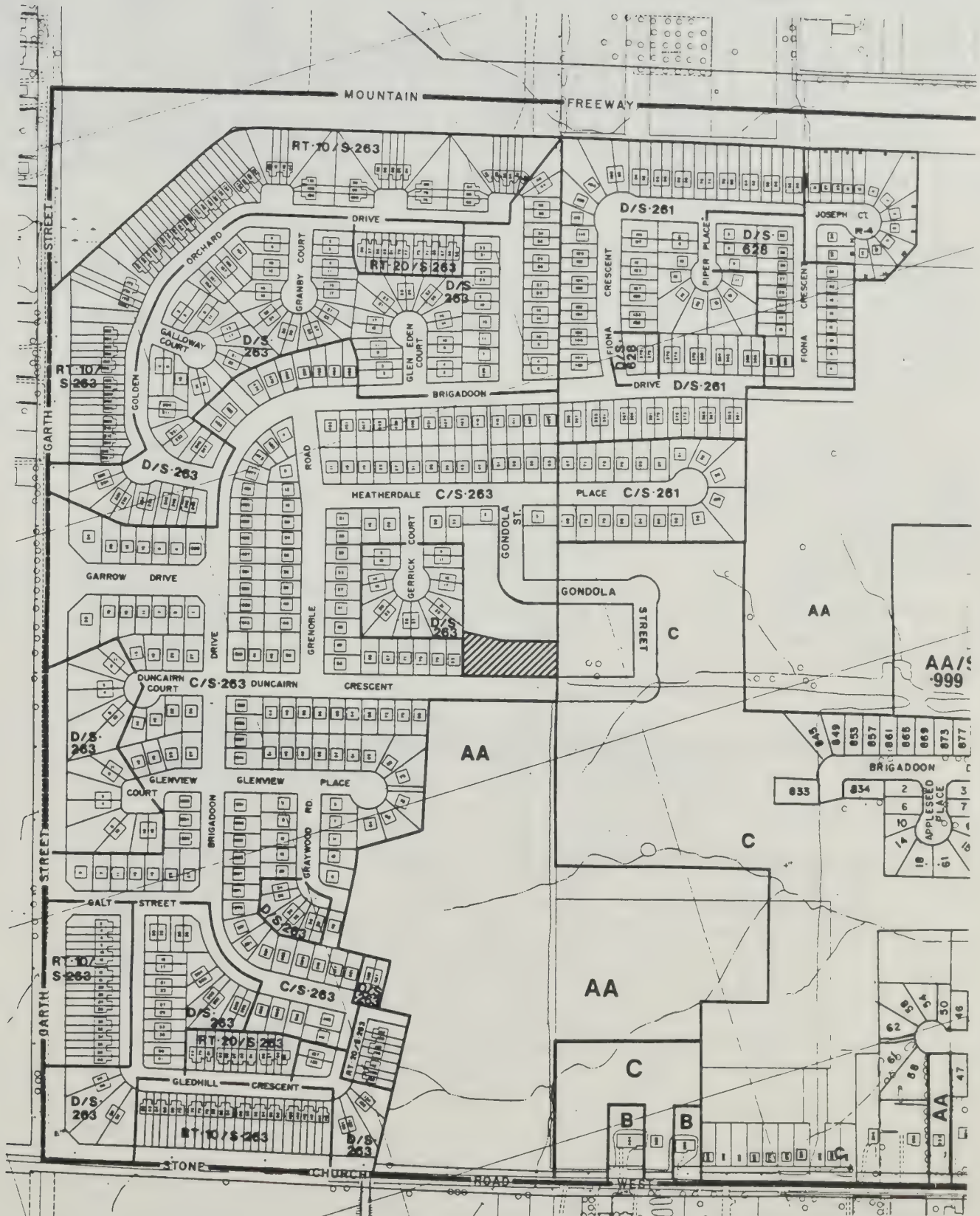
1. This report deals with and includes recommendations in regard to a proposed draft plan of subdivision and a proposed amendment to the Zoning By-law to implement the plan.
2. The proposal complies with the Gourley Neighbourhood Plan and the Hamilton Official Plan.
3. The proposal has merit and can be supported for the following reasons:
 - It implements the intent of both the Official Plan and the approved Gourley Neighbourhood Plan;
 - It would be compatible with existing development in the area; and,
 - The proposed reduction in lot width for the seven (7) single-family detached dwelling lots [i.e. 11.4 m (37.4 ft.) minimum, whereas 12.0 m (39.37 ft.) is required] and a reduced lot area for four (4) of the lots [i.e. 350.0 m² (3,767.5 sq.ft.) minimum, whereas 360.0 m² (3,875.01 sq. ft) is required] is considered to be minor in nature.
4. As requested by the Traffic Department, minor "red line" revisions have been made affecting Lots 7 to 11 to avoid the potential of overlapping driveways within the boulevard area.

5. There were no objections received as a result of the circulation of the proposal.
6. Since the lands to the south are proposed for park purposes, a cash payment in lieu of the conveyance of 5% of the land should be collected in accordance with Section 51(8) of the Planning Act.

CONCLUSION:

Based on the foregoing, the proposal can be supported.

RL\Attach.



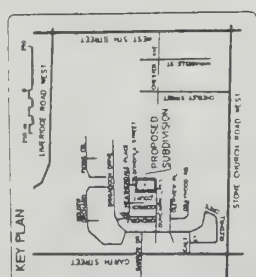
Legend



Site of the Application



APPENDIX "A"



LAND USE
SINGLE DETACHED - LOTS 1 TO 20
AREA = 0.832 ha

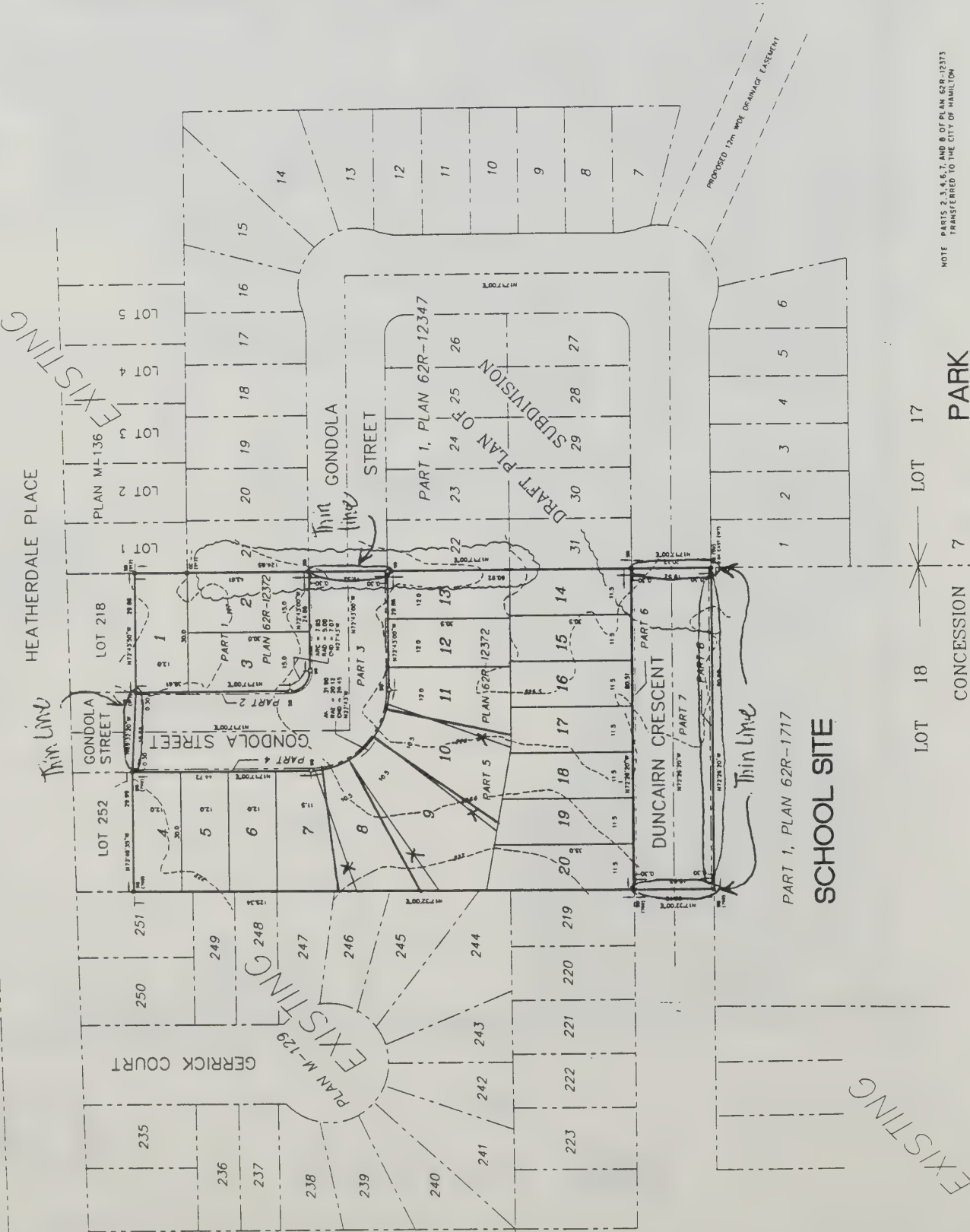
ADDITIONAL INFORMATION
AS REQUIRED UNDER SECTION 51(2) OF THE PLANNING ACT, RSO 1990
A AS SHOWN ON PLAN
B AS SHOWN ON PLAN
C AS SHOWN ON PLAN
D AS SHOWN ON PLAN
E AS SHOWN ON PLAN
F AS SHOWN ON PLAN
G AS SHOWN ON PLAN
H AS SHOWN ON PLAN
I AS SHOWN ON PLAN
J AS SHOWN ON PLAN
K AS SHOWN ON PLAN
L AS SHOWN ON PLAN

OWNERS AUTHORIZATION
I HEREBY CONSENT TO THE FILING OF THIS PLAN IN DRAFT FORM FOR APPROVAL
ONTARIO LAND CORPORATION
177 KING STREET WEST, 18TH FLOOR
TORONTO, ONTARIO M5H 1K5
DATE: *Nov 4, 1992*

SURVEYOR'S CERTIFICATE
I HEREBY CERTIFY THAT THE BOUNDARIES OF THE LANDS SHOWN ON THIS PLAN AND THEIR RELATIONSHIP TO THE ADJACENT LANDS ARE SHOWN ACCURATELY AND CORRECTLY
DATE: *Nov 4, 1992*

Ontario
REAL ESTATE SERVICES DIV.
100 KING STREET WEST, 18TH FLOOR
TORONTO, ONTARIO M5H 1K5

DRAFT PLAN OF SUBDIVISION
PART OF LOT 18
CONCESSION 7
WITHIN THE GEOGRAPHIC TOWNSHIP OF BARTON
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON - WESTWORTH
SCALE: 1:500
DATE: OCT 22, 1993



NOTE: PARTS 2, 3, 4, 5, 7, AND 8 OF PLAN 62R-12373 TRANSFERRED TO THE CITY OF HAMILTON



THE CORPORATION OF THE CITY OF HAMILTON

City Hall, 71 Main Street West, Hamilton, Ontario L8N 3T4

BUILDING DEPARTMENT

FAX - (416) 546-2764
GENERAL INQUIRIES - (416) 546-2720

Refer to File ZA-92-23
Attention of G. Robis
Telephone 546-3931

MAP NUMBER: E-9E

PROPOSED ZONING: "C"

1992 June 24

Mr. V. J. Abraham, M.C.I.P.
Director of Local Planning
Planning and Development Department

Dear Sir:

RE: ZA-92-23
 Lands south of Rymal Road East and West of proposed extension of
 Upper Wellington Street.

PLANNING & DEVELOPMENT LOCAL PLANNING BRANCH			
File No.		JUN 24 1992	
TO	STAFF UNIT	INITIALS	DATE
DIR.			
P.D.A.			
NEIGH			
DEV.			
E&MD			
STAFF			
CART.			
ADMIN			

The above, under cover of your letter dated June 17, 1992, has been examined.

COMMENTS:

1. No comment.

Yours truly,

for the Building Commissioner

GR/ii



THE CORPORATION OF THE CITY OF HAMILTON

City Hall, 71 Main Street West, Hamilton, Ontario L8N 3T4

1992 July 30

Mr. V. J. Abraham, M.C.I.P.
Director of Local Planning
Planning and Development Department

Attention: Mr. Paul Mallard

Dear Sir:

Re: **ZA-92-23**
Lands located south of Rymal Road East
and west of the proposed extension of Upper Wellington Street

PLANNING & DEVELOPMENT LOCAL PLANNING				
AUG 04 1992				
TO	STAFF	INIT	MR	NOT
DIR.				
PD & A				
PLAN				
DEV				
ENV				
LEGAL				
FIN				
ADM				
COMM				
RECORDS				
TRAINING				
OTHER				

Handwritten initials: PM, GW, SW

In response to your letter of 1992 June 17, please be advised that we have reviewed the above application and find the request to rezone the above lands to "C" (Urban Protected Residential, etc.) District to be satisfactory. However, we have the following comments in regard to the plan of subdivision submitted with this application.

It is intended that Upper Wellington Street function as a collector roadway, as shown on the approved neighbourhood plan. The layout of the roadways shown on this plan eliminates this roadway hierarchy and introduces an awkward 90 degree turn at the termination of Upper Wellington Street. The alignment of Jacqueline Boulevard has also been modified along the western side of the proposal to provide a straight through road, rather than a curved road ending at a stop as shown in the approved plan. The straight alignment increases the potential for speeding.

In conclusion, while we support the proposed zoning, we prefer the roadway layout shown in the approved plan for the Allison Neighbourhood.

Should you require further information in regard to these comments, please contact Sue Hayward at 546-4575.

Yours truly,

Murray F. Main
Murray F. Main, P. Eng.
Director of Traffic Services

RK/SH/ks

P.M.P. SEP 08 1992
GW

ROADS DEPARTMENT
MEMORANDUM

File No	
Letter No	
SEP 04 1992	
ROADS	ENV. SERVICES

Admin	
Pro	
Pl	
Sp	
Design	
Const	
Parcel	
Cost. Serv.	
Filed By	

YOUR FILE: ZA-92-23

OUR FILE: E220-0105

PHONE: (416) 546-4294

TO: P. Mallard, Division Head
Land Use and Urban Design
Planning & Development Department

FROM: G. S. Aston, P. Eng.
Director of Programming and Development
Roads Department
Att: C.A. Unelli

SUBJECT: Zoning Application 92-23 by 200 Rymal Road Inc. for the property south of Rymal Road East and west of the proposed extension of Upper Wellington Street.

DATE: 1992 September 3

There are public watermain on both Rymal Road East and Springside Drive. Storm and sanitary sewers are expected to be constructed later this year on Rymal Road. Internal servicing matters will be dealt with under the plan of subdivision.

These lands do not have any frontage on a roadway and deal with internal subdivision matter only. Therefore, as a condition of development approval, we recommend that the subject lands be developed through a satisfactory plan of subdivision. Prior to the development of these lands, Upper Wellington Street must be established and we understand that the limits of lands to be re-zoned may have been changed to include a strip of land on Rymal Road which will be designated single family. Should this be the case, the application should be revised accordingly.

For the information of the Committee, we have attached a copy of our comments on Allison Gardens draft plan of subdivision. Any work which may occur within the adjacent road allowances must conform to the City/Region's Roads Use By-Laws.

All matters relating to access will be dealt with under the Allison Gardens plan of subdivision. For the information of the applicant/owner, etc., we have attached a copy of our comments on the draft plan of subdivision.

CAU:tlm
attach.

cc: R. Douglas, Survey Department

ROADS DEPARTMENT

MEMORANDUM

TO: L.J. Lanza, P.Eng. YOUR FILE: 25T-91014
Manager of Subdivisions/Condominiums
Regional Planning and Development Department

FROM: G. S. Aston, P. Eng. OUR FILE: S701-71
Director of Programming and Development PHONE: (416) 546-4294
Roads Department
Att: M.J. Inrig

SUBJECT: Proposed Draft Plan of Subdivision DATE: 1992 April 3
for Allison Estates, Hamilton

We have the following comments and recommendations with regard to the above noted proposed draft plan of subdivision as submitted with your letter of December 16, 1991.

FOR INFORMATION:

1. Public watermains are available on Rymal Road East and Springside Drive to service the proposed development.
2. Public storm and sanitary sewers are not available on Upper Wellington Street and Rymal Road East to service the proposed development, however it is expected that sewers will be available sometime in 1992.
3. The road pattern as proposed on the submitted draft plan does not conform to the road pattern on the Approved Allison Neighbourhood Plan. We advise that the road pattern proposed, be resolved between the Planning Department and the Owner and that the resolved pattern be submitted to the appropriate Committee for approval.

We support the alignment of Upper Wellington Street, south of Rymal Road, as shown on the Approved Allison Neighbourhood Plan. Should this alignment be used, we recommend that the S-bend curve have a minimum centerline radius of 250m and a minimum of 30m of tangent between curves. However, this Department does not have any objection to either proposed layout for Upper Wellington Street.

4. The number of access roads into and out of the proposed development should be considered, in light of the size of this subdivision, and the fact that Kirkfield Road from the west limit of the development to Springside Drive is not yet built. We advise that comments from the City Traffic Department be considered with respect to phasing of development and road access.
5. The H.S.R. may wish to sell their remanent lands adjacent to Lots 1, 134, and 155 to the Subdivider and we suggest that the Subdivider contact the H.S.R. to arrange a purchase.

Proposed Draft Plan of Subdivision
for Allison Estates, Hamilton

Cont'd

6. The 0.30m reserve at the east limit of Kirkfield Drive will be lifted in conjunction with the registration of the Final Plan of Subdivision
7. The proposed draft plan should be submitted to the Public Transit Department for their comments as the approved neighbourhood plan shows an H.S.R. bus turn-around loop within the lands of the subdivision, which has not been included in the submitted plan.
8. The approved Allison Neighbourhood Plan shows a 20.00m right-of-way extending southerly from Jacqueline Boulevard to the South City Limits in the event that a road access to the south is required. The proposed draft plan for "Twenty Road Country Estates", directly to the south of this development, has been approved with no access road to the north, therefore an access road under this subdivision is not required.

RECOMMENDATIONS:

1. That no lands within the proposed draft plan of subdivision be developed until a storm and sanitary sewer outlet is available on Rymal Road East and Upper Wellington Street to service the subdivision.
2. That a 200mm diameter watermain be constructed on Kirkfield Road from Jacqueline Boulevard to Springside Drive for looping purposes. Regional Council approval may be required for the financing of the watermain on Kirkfield Road outside of the subdivision lands.
3. That Upper Wellington Street, south of Rymal Road East, be established to its full width in conjunction with the development of these lands.
4. That Jacqueline Boulevard and Trillum Drive, external to the subdivision plan, be established to Upper Wellington Street in conjunction with the development of these lands.
5. That the extension of Upper Wellington Street, south of Rymal Road East, align centerline to centerline and maintain the same bearings as the existing portion of Upper Wellington Street north of Rymal Road East.
6. That a 26.0m road allowance be established on Upper Wellington Street from the widened limit of Rymal Road East on the south side to extend southerly for a length of 90.0m along the extension of Upper Wellington Street, south of Rymal Road East.
7. That a 12.19m x 12.19m daylight triangle be established from the widened limits of Rymal Road East and Upper Wellington Street on the southwest corner.

Cont'd

**Proposed Draft Plan of Subdivision
for Allison Estates, Hamilton**

Cont'd

8. That the Owner establish 2.0m x 2.0m daylight triangles on the corners of Lots 68 and 110.
9. That the Owner establish a 12.0m storm and sanitary sewer easement from Jacqueline Boulevard to the west limit of the subdivision over Lot 41. The north limit of the easement is to have the same bearing and be a projection of the south property line of house No.95 Springside Drive.
10. That the Owner establish 9.0m radius transitional curves into and out-of the cul-de-sac bulb on Magenta Court.
11. That 0.30m reserves be established at the dead-ends of the road allowance on Jacqueline Boulevard (south limit at lot 128 and east limit at lot 59) and Serena Drive (east limit at lot 93).
12. That Blocks 156 to 161 (inclusive) be developed only in conjunction with the adjacent lands.
13. That Block 163 be deleted from the Final Plan of Subdivision, as this piece has already been dedicated to the Region for road widening.
14. That the lands shown on the draft plan as "Additional lands of the Owner" be included as a Block in the draft plan and Final Plan of Subdivision.
15. That approval for local improvement works (above ground) on the existing portion of Kirkfield Drive, west of the submitted plan, be in place before release of the Final Plan of Subdivision, or alternately the developer construct and pay for above ground servicing on the existing portion of Kirkfield Drive.
16. That the applicant be required to enter into subdivision agreements with both the City and Region prior to the development of any portion of these lands.

The submitted plan, as prepared by W. Bruce Clark, O.L.S. and stamped with the date December 13, 1991, is satisfactory to this Department subject to the above noted comments and recommendations.



(403) 267-6100

June 26, 1992

V.J. Abraham, M.C.I.P.
Director of Local Planning
The Regional Municipality of Hamilton-Wentworth
119 King Street West, 14th Floor
P.O. Box 910
Hamilton, Ontario L8N 3V9

Dear Mr. Abraham:

Re: Zoning Application ZA-92-93
Ministry File No. 25T-91014, Allison Estates
Owner: Agro, Aaffiro et al
Location: Part Lot 7, Concession 1, City of Hamilton
TCPL File: SD 196.MLV 208A + 6.07 to 6.36 km

On June 23, 1991, TransCanada PipeLines received your request for comments on the above application dated June 17, 1992. We have reviewed this application and note that our easement is contained within the hydro corridor, located at the south end of this plan of subdivision. We have no objections to this zoning application subject to the following conditions:

- 1) All crossings of the right-of-way by roads, services or utilities must first be authorized by TransCanada PipeLines. The crossing applicant will be required to sign TransCanada's standard crossing agreement. This agreement will be binding upon subsequent owners of the roads, services and/or utilities. Crossing approval is required prior to final registration of the subdivision and before the commencement of any work within the subdivision.
- 2) Any grading which will affect the right-of-way or drainage onto it must first be approved by TransCanada. No grading of the right-of-way will be permitted in the absence of such approval or without inspection of the grading operations by TransCanada.
- 3) Should any blasting be required at the site, a report on the methods and charges to be used must be prepared by a qualified blasting engineer and submitted for TransCanada's approval prior to the commencement of blasting operations on the site.
- 4) To prevent encroachment onto the right-of-way, the southerly limit of the subdivision should be permanently fenced off and maintained by the owner. The type of fence should be acceptable to both the City of Hamilton and TransCanada PipeLines.
- 5) TransCanada PipeLines is regulated by the National Energy Board Act. Section 112 of this act requires any excavation within 30 metres of the pipeline to obtain leave from the Board, therefore TransCanada's District Office in Hannon (phone 416-388-5171) must be notified

PLANNING & DEVELOPMENT				
LOCAL PLANNING BOARD				
JUL 06 1982				
DATE	RECEIVED	INIT.	FILE	ACT
Pmgy				
CF				
Gw				
CART				
GWA				



V.J. Abraham
June 26, 1992
Page Two

three business days before any excavation within 30 metres of the pipeline is to be performed.

- 6) No fill or building materials may be stored on the pipeline right-of-way.
- 7) During construction of the site, temporary fencing must be erected and maintained along the limits of the right-of-way by the owner(s) to prevent unlimited access by heavy machinery. TransCanada's District Office in Hannon (telephone 416-388-5171) must be given three working days advance notice before the commencement of construction on the site.
- 8) The owner must ensure that all contractor(s) and sub-contractors are fully aware of and observe the foregoing conditions.

Thank you for keeping us informed of development near our facilities. If you have any questions, please call me at (403) 267-8750 or Janice Lattin at (403) 267-8747.

Yours truly,

Janice Lattin

for

Fraser Mowat
Right-of-Way Supervisor

cc: Ken Spriggs
Roel Lancee
Bob Smith

ROADS DEPARTMENT MEMORANDUM

REGIONAL PLANNING BRANCH			
SUBDIVISION CONDOMINIUM ADMINISTRATION SECTION			
FILE NO. 25T-92011			
DATE RECEIVED JAN 11 1993			
TO:	INT.	ACT.	INFO.
DIRECTOR/ DIV. HEAD			
MANAGER			
STAFF			

TO: L.J. Lanza, P.Eng.
Manager, Subdivision/Condominium Administration
Planning and Development Department

YOUR FILE: 25T-92011

FROM: Eugene P. Chajka P.Eng.
Manager of Development
Roads Department

OUR FILE: S708-71
PHONE: (416) 546-2809

SUBJECT: Proposed Draft Plan of Subdivision
for "Hamilton Gourley - Stage 1", Hamilton

DATE: 1992 January 7

We have the following comments and recommendations with regard to the above noted proposed draft plan of subdivision as submitted with your letter of 1992 November 16.

FOR INFORMATION

- 1) Public watermain, storm and sanitary sewers as well as roadway asphalt and concrete curbs are existing on the portions of Duncairn Crescent and Gondola Street which are adjacent to the lands of this plan of subdivision.
- 2) The City of Hamilton has established Duncairn Crescent and Gondola Street, adjacent to the lands of this plan, as a public roadway by By-Law Nos. 92- 291 and 92-292 in order to provide road access to the adjacent lands to the east registered under Plan 62M-720.
- 3) The north and east limits of Gondola Street (circled in Red on the attached plan) and the east and west limits of Duncairn Crescent as well as the south limit (also circled in Red on the attached plan) should not be shown in a heavy line as these lands (Duncairn Crescent and Gondola Street) are not within the limits of the proposed draft plan of subdivision.

RECOMMENDATIONS

- 1) That the Owner satisfy all financial requirements of both the City of Hamilton and the Region of Hamilton - Wentworth with respect to providing municipal services to the subdivision lands and costs associated with the 0.30 metre reserves (Parts 2,4 and 6 shown on Plan 62R-12372) on Duncairn Crescent and Gondola Street.

Cont'd...

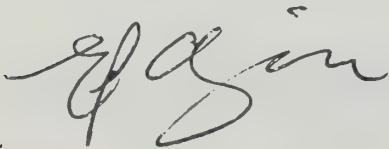
-page 2-
1993 January 7

**Proposed Draft Plan of Subdivision for
"Hamilton Gourley - Stage 1", Hamilton**

Cont'd.....

- 2) That the Owner be required to enter into subdivision agreements with both the City of Hamilton and the Region of Hamilton-Wentworth prior to the development of any portion of these lands.

The submitted plan as prepared by B.J. Clarke, O.L.S. and stamped with the date 1992 November 13 is satisfactory to the Transportation / Environmental Services Group subject to the above noted comments and recommendations. 1)



MJI

CORPORATION OF THE CITY OF HAMILTON

MEMORANDUM

TO: Mr. Lou Lanza, P. Eng.
Manager, Land Development
Regional Planning

YOUR FILE:

FROM: Chris Firth-Eagland
Co-ordinator of Park Development
Parks Division

OUR FILE: 92.0405.00
PHONE: 546-2465

RE: Proposed Plan of Subdivision 25T-92011

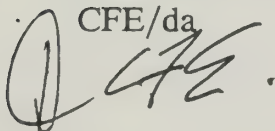
DATE: 1992 December 15




Further to your notice of proposed plan of subdivision for the development of Hamilton Courtney Stage I, in Gourley Neighbourhood, I have the following comments.

The Parks Division has no objections to this proposal, however, it would be beneficial for this Division to receive the proposed grading plan for the development to facilitate the integration of this project with the adjacent parkland.

Please forward these details as they become available to the Parks Division to the attention of Mr. Werner Plessl, Superintendent of Park Development.

CFE/da



REGIONAL PLANNING BRANCH			
SUBDIVISION CONDOMINIUM ADMINISTRATION SECTION			
FILE NO. 25T-92011			
DATE RECEIVED DEC 17 1992			
TO:	INT.	ACT.	INFO.
DIRECTOR/ DIV. HEAD			
MANAGER			
STAFF			



SEE COMMENTS



THE CORPORATION OF THE CITY OF HAMILTON

City Hall, 71 Main Street West, Hamilton, Ontario L8N 3T4

1992 November 30

Mr. V. J. Abraham, M.C.I.P.
Director, Subdivision and Condominium
Administration Section
Regional Planning Branch
Planning and Development Department

Attention: Mr. Lou Lanza

Dear Sir:

Re: 25T-92011

Hamilton Gourley Stage 1 - Plan of Subdivision

REGIONAL PLANNING BRANCH			
SUBDIVISION CONDOMINIUM ADMINISTRATION SECTION			
FILE NO. 25T-92011			
DATE RECEIVED DEC 02 1992			
TO:	INT.	ACT.	INFO.
DIRECTOR/ DIV. HEAD			
MANAGER	<i>h</i>		<i>h</i>
STAFF			<i>h</i>

See changes page

In response to your letter of 1992 November 17, we have reviewed the above-noted application and have the following comments.

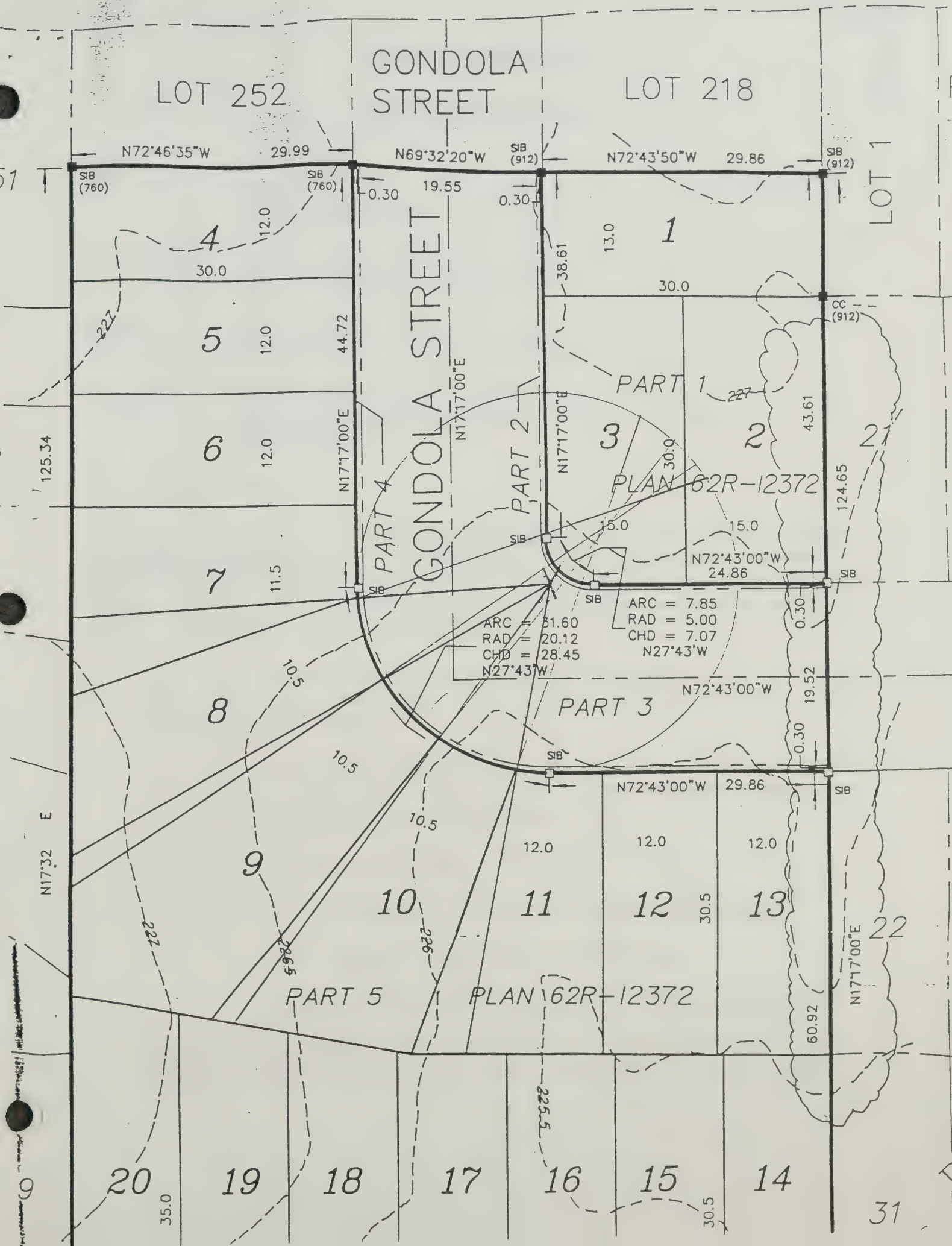
We recommend that the lot lines of Lots 7 to 11 be adjusted as indicated on the attached plan in order to avoid the potential overlapping of driveways within the boulevard area.

Should you require further information in regard to these comments, please contact Mike Trink at 546-2065.

Yours truly,

for Murray F. Main, P. Eng.
Director of Traffic Services

RK/MT/ks
Attach.



9.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1993 March 9
ZA-92-53
Crerar Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: Request for a further modification to the "AA"
(Agricultural) District regulations - No. 1314 Upper
Wentworth Street.

RECEIVED

MAR 16 1993

CITY CLERKS

RECOMMENDATION:

That approval be given to Zoning Application 92-53, 518374 Ontario Limited, (Angello Papastamos), owner, requesting a further modification to the established "AA" (Agricultural) District regulations, to permit a butcher shop as an additional permitted use within the existing building, on property located at No. 1314 Upper Wentworth Street, as shown on the attached map marked as Appendix "A", on the following basis:

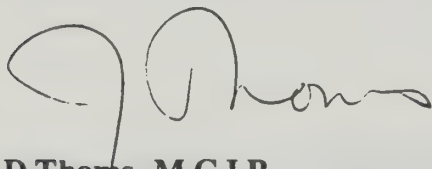
- i) That the "AA" (Agricultural) District regulations as contained in Section 7A of Zoning By-law No. 6593, as amended by By-law No. 92-075, applicable to the subject lands, be further amended as follows:
 - a) That Section 1.(a)(i) COMMERCIAL USES, of By-law 92-075 be amended by adding the words "including an accessory butcher shop" after "a retail variety store" so that the Section reads as follows:
 - "(i) COMMERCIAL USES:
 - 1. a retail variety store including an accessory butcher shop;
 - 2. a business and professional person's office,
- within the building existing on the day of the passing of this by-law;"
- ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1158a, and that the subject lands on Zoning District E-18C be notated S-1158a;

- ii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-18C for presentation to City Council;
- iv) That the proposed modification in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

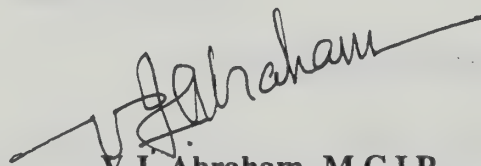
EXPLANATORY NOTE:

The purpose of the By-law is to provide for a further modification to the established "AA" (Agricultural) District regulations applicable to property located at No. 1314 Upper Wentworth Street, as shown on the attached map.

The effect of the By-law is to permit a "butcher shop" as an accessory use to the existing retail variety store within the existing building.



J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department



V.J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

The purpose of the proposed modification is to permit a "butcher shop" as an additional permitted use within the existing building located at No. 1314 Upper Wentworth Street, as shown on the attached map marked as Appendix "A". Further discussions with the applicant verified that the butcher shop is to be accessory to the existing retail variety store use.

- Application for Licence

On September 25, 1992, the applicant filed an application with the City Clerks Department - Licencing Division for a Butcher Licence for a butcher shop business established at No. 1314 Upper Wentworth Street known as Russo Market. The applicant was advised that the use (butcher shop) was not permitted (see Appendix "B"). As a result of this, the applicant filed the subject rezoning application.

was advised that the use (butcher shop) was not permitted (see Appendix "B"). As a result of this, the applicant filed the subject rezoning application.

- Previous Rezoning

On January 24, 1990, the Planning and Development Committee approved Zoning Application 89-84, by the current applicant, for a modification to the established "AA" (Agricultural) District to permit conversion of the existing building from a legal non-conforming auto-body business to a retail variety store on the first floor, and a business and professional persons office on the second floor, subject to, among other conditions, submission and approval of a site plan prior to the passing of an amending By-law, for property located at No. 1314 Upper Wentworth Street. On January 30, 1990, City Council adopted the recommendation of the Planning and Development Committee.

- Site Plan Application (DA-90-36)

On October 25, 1990, the Planning and Development Committee approved Site Plan Application DA-90-36, applicable to the subject lands.

- By-law 92-075

On March 10, 1992, City Council passed By-law 92-075 rezoning the site and the by-law came into effect on April 8, 1992.

- Site Plan Application (DA-92-58)

On December 9, 1992, the applicant filed Site Plan Application DA-92-58 to amend Site Plan Application DA-90-36. The revised site plan deletes reference to a second floor area within the building and makes revisions to the building elevations. To-date, the application has not been finalized.

APPLICANT:

518374 Ontario Limited (Angelo Papastamos), owner.

LOT SIZE AND AREA:

- 45.72 m (150.0 ft.) of lot frontage on Upper Wentworth Street;
- 45.72 m (150.0 ft.) of lot depth; and,
- 2,090 m² (22,500 sq.ft.) of lot area.

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	convenience store	"AA" (Agricultural) District modified
<u>Surrounding Lands</u>		
to the north south and west	townhouses	"RT-10" (Townhouse) District modified
to the east	single-family dwellings	"D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District, modified

OFFICIAL PLAN:

Designated "RESIDENTIAL" on Schedule "A" - the Land Use Concept Plan of the Official Plan.
The following policies would apply:

- "A.2.1.3 Within areas designated RESIDENTIAL, land uses compatible to dwellings and deemed necessary by Council to serve the needs of local residents will be permitted, including, but not limited to:
- iv) Limited individual or groups of commercial uses on sites not exceeding .4 hectare in area, excluding Automobile Service Stations, in accordance with the Local Commercial Uses and General Provisions set out in Subsection A.2.2 of this plan.
- A.2.2.25 The LOCAL COMMERCIAL category applies to groups of, or individual commercial establishments and local business and professional offices serving the daily retail needs of surrounding residents, and primarily dependent upon pedestrian access.
- A.2.2.26 The maximum site areas of any LOCAL COMMERCIAL development will not exceed .4 hectare in keeping with the intention that LOCAL COMMERCIAL facilities are to serve local Residential areas only with convenience goods and personal services.

A.2.2.27 ...The location of LOCAL COMMERCIAL uses will be designated by Neighbourhood Plans.

A.2.1.6 Where compatible uses are permitted, to preserve the amenities of and support RESIDENTIAL USES in the area, new development will, subject to the Zoning By-law:

- i) Be required to be provided with adequate yards, off-street parking and loading, landscaping, screening, buffering or other such measures as determined by Council; and,
- ii) Not provide outside storage or engage in any use of land in a manner having a detrimental impact on the adjacent RESIDENTIAL USES."

On the basis of the foregoing, the proposal would not conflict with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

Designated for "LOW DENSITY APARTMENTS" on the approved Crerar Neighbourhood Plan, the proposal does not comply. Approval of the application would require redesignation to "COMMERCIAL". However, in order to maintain the long-term objectives of the plan redesignation is not recommended.

COMMENTS RECEIVED:

- The Building Department has advised that:
 - "1. The proposed use shall be restricted to "within the building existing on the day of the passing of this by-law".
 - 2. If the deli portion of the butcher shop is going to be operated as a take-out and/or restaurant, then this accessory use shall also be considered.
 - 3. A building permit has been issued for renovations to the building shell."
- The Traffic Department has advised that:
 - " ..we have reviewed the above application and find the proposed zoning modification to be satisfactory."
- The Roads Department has advised that:
 - "There are public watermains and separate storm and sanitary sewers available to service these lands.

applicable to the approval of this zoning application." (see Appendix "B" attached)

- The Hamilton Region Conservation Authority have no comments or objections.

- The Licence Division of the City Clerks Department has advised that:

"The Licence Division has no objection to the above mentioned Zoning Application.

The applicant has applied for a Butcher Licence and must comply with all the requirements of the Fire and Health Departments."

COMMENTS:

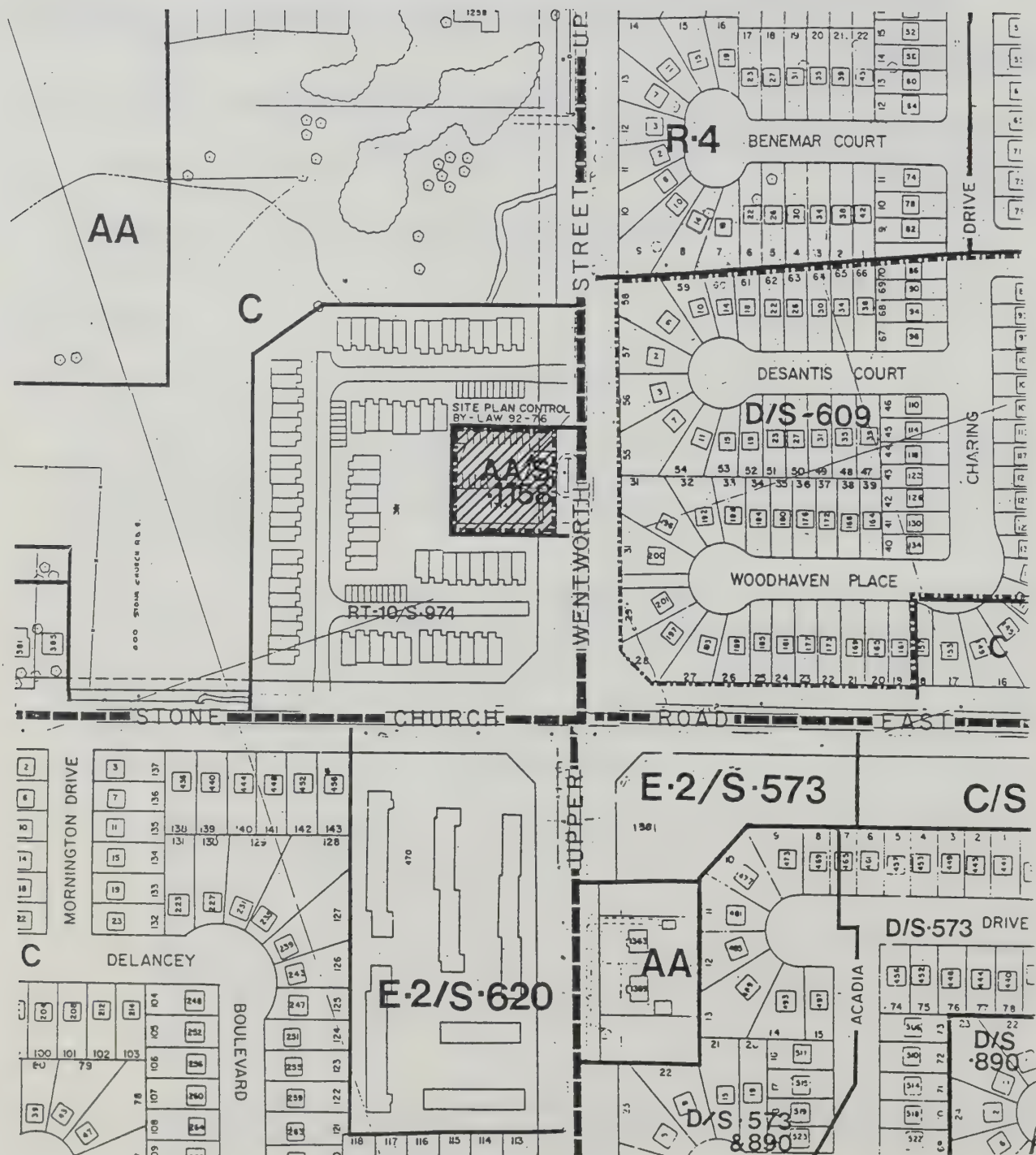
1. The proposal does not conflict with the intent of the Official Plan.
2. The proposal does not comply with the intent of the approved CRERAR NEIGHBOURHOOD Plan. Taking into consideration the long-term objectives of the plan to retain the site for "LOW DENSITY APARTMENTS", redesignation of the site would not be appropriate.
3. On March 10, 1992, City Council passed By-law 92-075 rezoning the site to permit conversion of the existing building from a legal non-conforming auto body repair shop to a retail variety store on the first floor and a business and professional person's office on the second floor. The current proposal is to permit a "butcher shop" as an accessory use to the retail variety store permitted within the existing building. The proposal has merit and can be supported for the following reasons:
 - i) the proposed commercial use would not conflict with the intent of the Official Plan which provides for local commercial uses not exceeding 0.4 hectares in size within Residentially designated areas;
 - ii) it is understood that the proposed butcher shop will be accessory to the primary permitted retail variety store use and, as such, would also represent a convenience type use which is intended to primarily serve the needs of the adjacent residential neighbourhoods;
 - iii) the renovation and conversion of the existing building to a neighbourhood convenience use represents a significant improvement over the former unkempt legal non-conforming auto body shop use;
 - iv) it is situated on a major arterial road (Upper Wentworth Street), and should not have any adverse effects on the surrounding neighbourhood.
4. The site is subject to Site Plan Control By-law 79-275 and 87-223. In this regard, the

applicant has filed an application (DA-92-58) which will review matters such as parking, landscaping, fencing, access, grading, etc. To-date, the application has not been finalized.

CONCLUSION:

On the basis of the foregoing, the application can be supported.

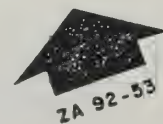
GAW/ma
WPZA9253



Legend



Site of the Application



LICENCE APPLICATION

CITY OF HAMILTON

TO CITY OF HAMILTON
LICENCING COMMITTEE

FULL NAME OF PROPOSED LICENSEE

DATE Sept 25 1992

ANTHONY DAVID RUSSO

CARRYING ON BUSINESS AS RUSSO MARKET

IF AN INDIVIDUAL

BIRTHDATE 50/05/07

APPLICATION IS HEREBY MADE FOR THE FOLLOWING LICENCE

TYPE BUTCHER

CLASS

ADDRESS OF PREMISE(S)

1314 Upper Wentworth St. L9A 4W2

TO BE LICENSED

cor of Spenceburg 24

SAME AS ABOVE

APPLICANT'S NAME

PLEASE PRINT

ADDRESS 77 Boston Dr.
L8T 4W6

387-4963

CITY

TELEPHONE NO.

APPLICANT'S RELATIONSHIP
TO PROPOSED LICENSEE

☒ SAME

☐ AGENT

☐ DIRECTOR

☐ OFFICER

☐ PARTNER

☐ OTHER

FOR OFFICE USE ONLY

BY-LAW

NO

SCHED

SEC

TRANSFER FROM

lic fee 37.00

SIGNATURE
OF APPLICANT:

THE DEPARTMENTS WHERE ☒ IS SHOWN WILL REPORT ON THIS APPLICATION

☒ POLICE
DEPARTMENT

☐ BUILDING
DEPARTMENT

☐ FIRE PREVENTION
BUREAU

☐ HEALTH
DEPARTMENT

☐ TRAFFIC
DEPARTMENT

REMARKS

E1802, AA/S-1158. (Bylaw 92-075)

PROPOSED USE IS

CONTRARY TO

SECTION 7A OF

ZONING BY LAW 6593

OCT. 21 1992

APPENDIX B

10.

CITY OF HAMILTON
- RECOMMENDATION -

RECEIVED

MAR 16 1993

CITY CLERKS

DATE: 1993 March 2
Mewburn Neighbourhood
ZA-92-56

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: Request for a change in zoning - Nos. 140, 150 and 158
Rymal Road West.

RECOMMENDATION:

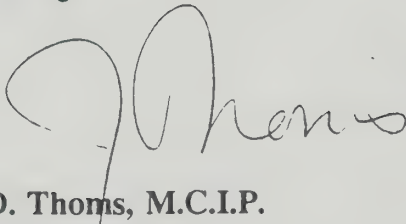
That approval be given to Zoning Application 92-56, Demetre Dekaneas, owner, for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, to permit future single-family residential development, for property located at Nos. 140, 150 and 158 Rymal Road West, as shown on the attached map marked as Appendix "A", on the following basis:

- i) That the subject lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
- ii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps W-9D and W9-E for presentation to City Council;
- iii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

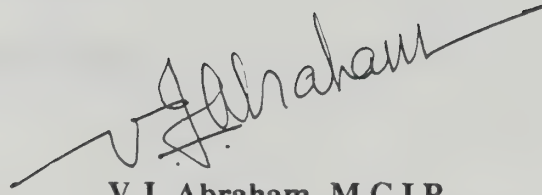
EXPLANATORY NOTE:

The purpose of the By-law is to provide for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, for property located at Nos. 140, 150 and 158 Rymal Road West, as shown on the attached map.

The effect of the By-law is to permit future development of the subject lands for single-family dwellings.



J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department



V.J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The purpose of the proposed change in zoning is to permit future development of the subject lands for single-family dwellings. The lands will be subdivided either by land severance applications through the Regional Land Division Committee, or, in the case of the rear lands, through a draft plan of subdivision. To-date, no applications for approval of a land severance or draft plan of subdivision have been received.

APPLICANT:

Demetre Dekaneas, owner.

LOT SIZE AND AREA:

- 91.44 m (300.0 ft.) of lot frontage on Rymal Road;
- 397.10 m (1,302.83 ft.) of lot depth; and
- 3.64 ha (9.0 ac.) of lot area.

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Land Use</u>
<u>Subject Lands</u>	three single-family dwellings	"AA" (Agricultural) District
<u>Surrounding Lands</u>		
to the north	vacant	"AA" (Agricultural) District

to the south, east
and west

single-family dwellings

"AA" (Agricultural)
District and "C"
(Urban Protected
Residential, etc.)
District

OFFICIAL PLAN:

The majority of the subject land is designated "RESIDENTIAL", while a small portion at the north end of the property is designated "OPEN SPACE" on Schedule "A" - Land Use Concept Plan of the Official Plan. The following policies, among others would apply:

- "2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.

- 2.4.1 The primary uses permitted in the areas exceeding .4 hectare designated on Schedule "A" as OPEN SPACE will include developed or undeveloped parks of local or area wide appeal; public or private recreation areas; pedestrian pathways; conservation uses, horticultural nurseries, forestry and wildlife management areas; and hazard lands which may pose a threat to life and property because of inherent physiographic characteristics (in accordance with the Hazard Lands provisions of Subsection A.3.1 of this Plan).

- 7.1 In the development of new RESIDENTIAL areas and, as far as practicable, in the infilling or redevelopment of established areas, Council may undertake or require the following in order to achieve high standards of RESIDENTIAL amenity:
 - i) Provision and maintenance of adequate off-street parking;

- 7.3 Council will ensure that the local RESIDENTIAL ENVIRONMENT is of a condition and variety satisfactory to meet the changing needs of area residents. Accordingly, Council will:
 - iii) Encourage RESIDENTIAL development that provides a range of types and tenure to satisfy the needs of the residents at densities and scales compatible with the established development pattern."

With regard to the small portion at the north end of the property designated "OPEN SPACE", a minor adjustment to this designation on Schedule "A" may be made as provided in the following policy:

- "D.8.2 The boundaries between the classes of land use designated on Schedule "A" by patterned areas, as well as any other boundaries indicated on Schedules "B", "B-1", "B-2", "C", "D", "F", "G" and "H" are only intended to be general and not to define the exact limits of any land use or policy. It is intended, therefore, that minor adjustments may be made in respect of these boundaries in the Zoning By-law without the necessity of further amending this Official Plan, so long as such By-laws conform to the general intent and purpose of this Plan."

The proposal complies with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

The majority of the subject lands are designated "SINGLE AND DOUBLE RESIDENTIAL", while a small portion at the north end of the property is designated "PARK AND RECREATIONAL" on the approved Sheldon/Mewburn West Neighbourhood Plan. The proposal complies with the intent of the approved plan.

COMMENTS RECEIVED:

- The Building Department has advised that:
 - "1. Demolition approval of the existing residential building by the Planning and Development Committee under Demolition Control By-law is required prior to removal.
 2. Demolition permits are required for the existing residential and any accessory building to be removed."
- The Traffic Department and the Hamilton Region Conservation Authority have no comments or objections.
- The Roads Department has advised that:

"There are existing services on Rymal Road West. Internal servicing will be dealt with under a future draft plan of subdivision.

The designated road allowance width is 36.0 m. In accordance with this designation we recommend that as a condition of development approval that sufficient lands be dedicated to the Region for road widening purposes to establish this designated width. This road widening strip varies in width from approximately 8.5 m at the west side of the subject lands to approximately 7.90 m at the east side.

According to the approved neighbourhood plan, these lands are designated for single and double housing. In our review of the proposed plan, it was our understanding that the

residential designation on Rymal Road would allow for infilling situations and to retain the existing residential uses. We understand that the applicant may be applying for Land Severances and construct a number of new single family homes onto Rymal Road. It is our opinion that the number of single family homes on Rymal Road should be minimized in keeping with the function of the Regional Arterial Roadway and that the zoning application be revised accordingly.

The lands to the rear are designated for single and double housing and internal neighbourhood streets. In order that these lands develop in a orderly manner, we recommend that they be developed through a plan of subdivision to ensure that the proposed streets will not be encumbered with new structures, etc."

COMMENTS:

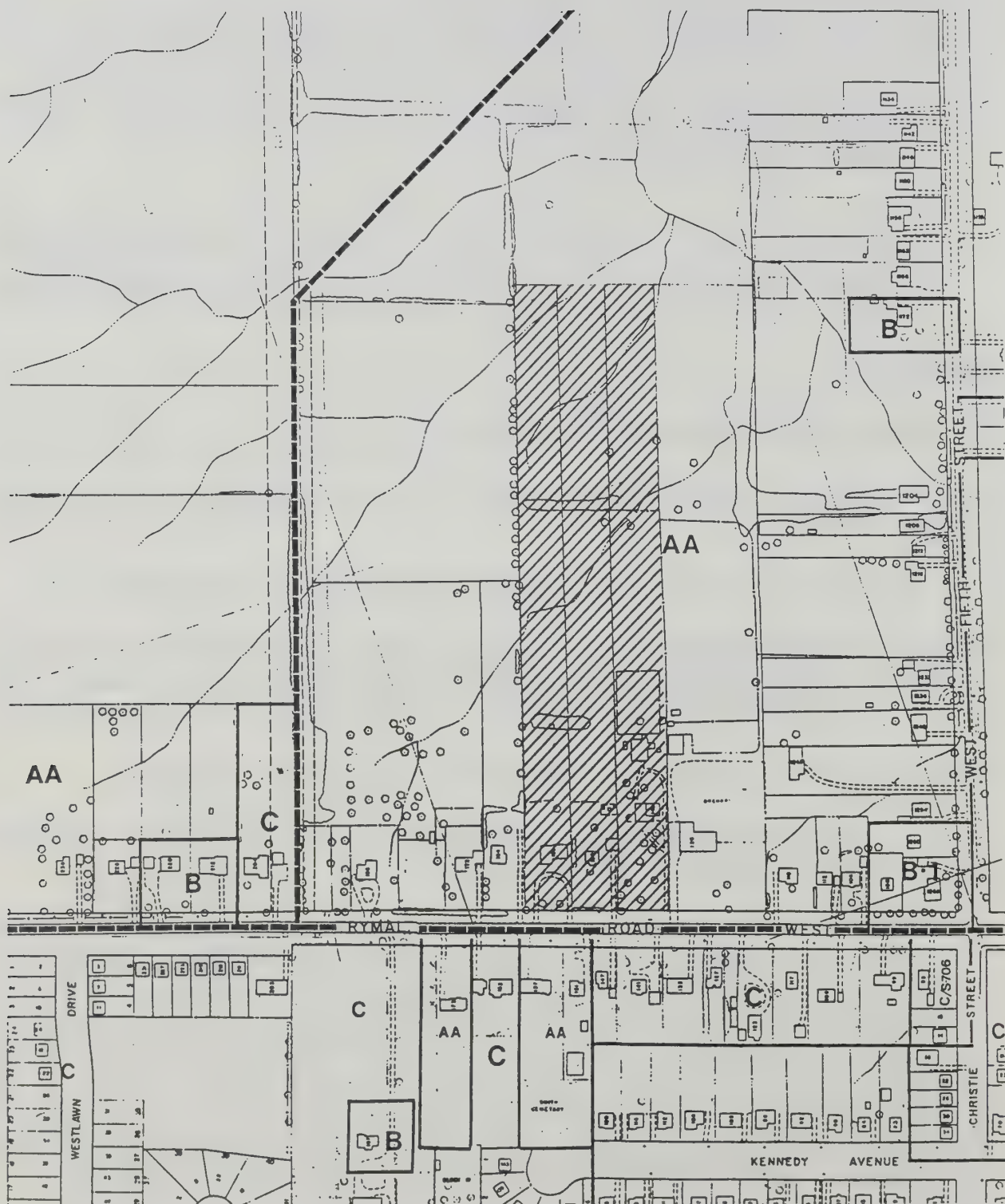
1. The proposal complies with the intent of the Official Plan.
2. The proposal complies with the intent of the approved Sheldon/Mewburn West Neighbourhood Plan.
3. The proposal has merit and can be supported for the following reasons:
 - it implements the intent of both the Official Plan and the approved Sheldon/Mewburn West Neighbourhood Plan which designates the subject lands "RESIDENTIAL" and "SINGLE and DOUBLE RESIDENTIAL" respectively;
 - the proposed rezoning is appropriate for the intended use; and,
 - the proposed single-family residential uses would be compatible with existing and future planned development in this area.

While the rear lands cannot be developed at this time, approval of this application would be consistent with future intended "Single and Double Residential" use as established by the approved Sheldon/Mewburn West Neighbourhood Plan. To-date, the applicant has not filed either a land severance application with the Regional Land Division Committee, or applied for approval of a draft plan of subdivision with the Region indicating how the lands are to be developed. Matters concerning road widenings, payment to the City/Region for all outstanding servicing costs, etc. can be dealt with through either a modified subdivision agreement as a condition of land severance approval, or through a subdivision agreement in accordance with approval of a draft plan of subdivision.

CONCLUSION:

On the basis of the foregoing, the application can be supported.

GAW/ZA9256



Legend



Site of the Application


 ZA 92-56

CITY OF HAMILTON
- RECOMMENDATION -

11.
RECEIVED

MAR 17 1993

CITY CLERK

DATE: 1993 March 17
(CD-92-002)

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

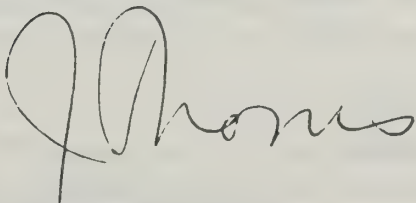
FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT:

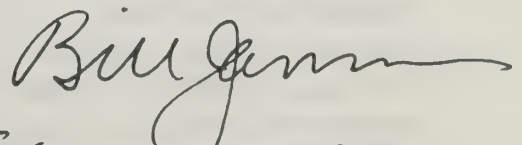
Rental Housing Protection Act Application CD-92-002, Milkha Singh, owner, for conversion of 15 rental residential townhouse units to 15 residential condominiums, for property located at 293 Limeridge Road West, Hamilton; Rolston Neighbourhood.

RECOMMENDATIONS:

- A. That approval be given to Application CD-92-002, under the Rental Housing Protection Act, Milkha Singh, owner, for conversion of 15 rental residential townhouse units to 15 residential condominium units at 293 Limeridge Road West, Hamilton, since the proposal does not adversely affect the supply of affordable rental housing in Hamilton.
- B. That the City Clerk execute the Certificate of Approval in a form satisfactory to the City Solicitor.



J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department


for **V. J. Abraham, M.C.I.P.**
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

An application under the Ontario Rental Housing Protection Act for the property at 293 Limeridge Road West in Hamilton was submitted to the City on December 21, 1992. The

proposal is to convert 15 rental residential townhouse units to residential condominiums. The subject property is shown on the attached key map.

The existing use on the site is a townhouse development, consisting of two blocks containing a total of 15 rental townhouse units. These are all three bedroom units, with monthly rents for 1993 ranging from \$ 816.00 to \$ 843.00. All units have one and a half baths, full basements and approximately 1,200 square feet floor area.

Three of the units (No. 3, 9, and 13) were vacant at the time that the application was submitted in December, 1992, and had been vacant since November 30, 1992. However, it should be noted that the Rental Housing Protection Act applies to vacant rental units, regardless of how long they have been vacant.

The owner is proposing to convert all 15 rental townhouse units to ownership condominiums, to be sold at prices ranging from \$75,000 to \$85,000.

The owner has determined that tenants in seven of the 15 units would be interested in purchasing their units, and have so indicated in writing. The conditions of this offer to the tenants, include the following (see attached offer):

- The tenants being offered first right of refusal to purchase the units;
- Purchase price of between \$75,000 and \$85,000; and,
- Option to purchase within two years.

These tenants have indicated that their mortgage payments would be lower than their present rents, under current economic conditions. Staff calculations have confirmed this, as outlined later in this report.

The applicant has also indicated that he is willing to offer long-term leases, of up to two years or longer, to tenants who wish to continue renting. Of the tenants in the other five occupied units, some are not interested in purchasing their units, and others are not willing to commit themselves at this time.

No renovations to the units are presently planned. The building was constructed in 1976, and is therefore only about 17 years old. The applicant has stated that the units are all fairly modern, and have some new appliances, new doors and copper plumbing. The Building Department has indicated that there are no outstanding work orders on the property.

APPLICABILITY OF THE ONTARIO RENTAL HOUSING PROTECTION ACT:

The purpose of the Act is to protect the supply of rental housing. The Act regulates changes to rental units including renovations, conversions, demolitions and severances. The proposed conversion of rental units to condominiums at 293 Limeridge Road West is subject to the Act. It should be noted that Council approval for the application is for the conversion only. Condominium approval is still required in order to register the condominium.

Evaluation Criteria

In reviewing this proposal, Council must consider the criteria which accompany the Rental Housing Protection Act (Section 7 of Ontario Regulation 586/89). They are as follows:

"7.-(1) *The council of a municipality shall not approve an application under the Act unless the council is satisfied that at least one of the following criteria is met:*

1. *Council finds that;*

- i) *a rental property for which an application is made for demolition is structurally unsound, or*
- ii) *a rental property for which an application is made for renovation or repair is structurally unsound at the time of the application and will continue to be structurally unsound if the renovation or repair proposed by the applicant is not carried out and, in the case where tenants are in occupation of the unit, that vacant possession is required to effect the renovation or repair.*

2. *The applicant agrees,*

- i) *to provide the same number of new rental units in a similar rental range and in the same area as those for which approval is given, and*
- ii) *to provide rental accommodation in the same area of similar quality and rent, either in the new rental units or in other existing rental property, to any tenant who is required to give up possession of a rental unit as a result of the approval.*

3. *In the opinion of Council, the proposal does not adversely affect the supply of affordable rental housing in the municipality."*

In addition, Council should note that the Region of Hamilton-Wentworth Official Plan contains the following policy respecting condominium conversions:

"8.14 *To consider the conversion of rental housing in projects with six or more units to condominium or equity co-operative tenure as premature and not in the public interest unless the rental vacancy rate in the Area Municipality in which the conversion is proposed exceeds 2%. Further, no conversion will be allowed which will lower the vacancy rate below 2%."*

Criteria 1 of the Rental Housing Regulations is not applicable. This application will be therefore be evaluated against criteria #2 (i and ii) and criteria #3 of the Rental Housing Act Regulations. Policy 8.14 of the Regional Official Plan will also be considered.

ANALYSIS

Provision of Alternative and Replacement Units

Concerning the second criteria of the Regulations, namely clause 7(1)(2), the applicant has not indicated that he is prepared to rehouse existing tenants in rental units, and build new rental units to replace the converted units. Therefore, according to comments received from the Provincial Office of the Rental Housing Protection Program: "...it does not appear that this application can be considered under the provisions of clause 7(1)(2) of the Regulation. However, Council may wish to discuss this alternative with the applicant."

It appears that Council can only consider this application under clause 7(1)(3) of the Regulation, which relates to the impact of the proposal on the supply of affordable rental housing.

Impact on the Supply of Affordable Rental Housing and Rental Vacancy Rates

City Council may approve a proposal under the third criteria of the Rental Housing Protection Act if, in Council's opinion, the proposal will not adversely affect the supply of affordable rental housing in the City.

a) Rents

The 1993 rents for these units range from \$816 to \$843. These rents are over the limit of the affordable range for the Hamilton area, as defined by the Provincial Land Use Planning for Housing Policy Statement (LUPHPS), Information Bulletin 1992. This policy states that units with rents of \$810 or less per month are "affordable" for the Hamilton area.

The monthly rents for the subject units are also higher than average rents for this type of unit in this area of the City. Average rents for privately-initiated three bedroom row units in the City were \$699 (as of CMHC data for October, 1992; Table 15 of Rental Market Report). Within the Hamilton Mountain zone, average rents for such units were \$715, as of the same survey. The rents for the subject units are therefore 14% to 18% higher than this \$715 average. Therefore, the units cannot be considered affordable.

b) Vacancy Rates

Historical trends in vacancy rates for the City and the Hamilton Mountain are contained in Appendix "A". The present rental vacancy rate for the City is at 2.6%, as of the most recent CMHC vacancy rate data for October, 1992. This rate increased to over 2% for the first time in several years in April, 1992. Prior to this, vacancy rates for the City had been increasing gradually over the previous few years. A healthy vacancy rate for a municipality is generally considered to be between 2% and 3%. The overall vacancy rate for the Hamilton Mountain zone was at 1.2% in October, 1992, which represents a minor increase from the April, 1992 rate of 0.9% for this area, and is still below 2.0% to 3.0%.

The current vacancy rates for row units in the City and on the Mountain are contained

in Appendix "B", and are at 3.5% and 3.2%, respectively. Approval of the proposal would cause a reduction in these vacancy rates to 3.3% and 2.9%, still healthy rates.

The Act states that City Council must be satisfied as to whether or not there is an adverse impact on affordable rental housing. The impact of the removal of these units from the supply of rental housing and vacancy rates, in the City and in Central Hamilton, is outlined in Appendix "C". It is noted the removal of these 15 units from the universe of 33,476 rental units in the City would reduce this supply by 0.04%. The overall vacancy rate for the City would be reduced from 2.56% to 2.55%. The loss of these units from the universe of 7,306 rental units in the Hamilton Mountain zone would reduce this supply by 0.2%.

c) Regional Official Plan

The provisions of the Rental Housing Protection Act supersede policies in place on a local level, such as the Hamilton-Wentworth Regional Official Plan policy, which states that applications for conversion of rental units to condominium will be considered premature unless the vacancy rate in the Area Municipality exceeds 2%. The Regional Official Plan policies are intended to complement the Act, and this policy in the Official Plan provides a general rule of thumb by which rental vacancy rates can be evaluated. The vacancy rate now has increased to the point at which there is a greater supply of available vacant rental units to meet the needs of tenants, on a City-wide basis. While the overall vacancy rates for this area of the City, namely the Mountain, are still below 2%, row housing projects are still above the 2% level. Therefore, the proposed conversion would comply with the Regional policy.

Other existing row housing developments in the vicinity of the subject property include a variety of tenure. Along the south side of Limeridge Road, between Garth Street and West Fifth, there are approximately ten row housing projects. Five of these are existing registered condominiums; three are owned by Victoria Park Homes; one by the Sons of Italy; and the remaining one, namely the subject property, is a private rental development.

Based on the foregoing statistics, it appears the loss of these 15 rental units would not cause a significant adverse impact on the supply of affordable rental housing, on the supply of row units, or on the related vacancy rates for the City or the Hamilton Mountain.

Affordability of Proposed Condominium Units

The proposed condominium units are to be marketed at prices which would place them well within the affordable range. Estimated selling prices were stated in the application as being \$75,000 to \$85,000 for these three bedroom units. Units selling for up to \$149,500 are considered affordable for Hamilton, as defined by the Province's Land Use Planning for Housing Policy Statement (LUPHPS), Information Bulletin 1992.

The condominium units would be affordable to households with relatively low incomes. For example, a three bedroom unit selling in the proposed price range of \$75,000 to \$85,000 would be considered affordable to households with minimum annual incomes of \$16,100 to \$ 23,100

range. This is based on prevailing mortgage rates as of March 8, 1993, and a 5% to 25% down payment. It also assumes a maximum 30% of income devoted to housing costs. Such households would be in the 40th percentile of the housing market, in terms of income. By converting the units, the applicant is creating additional affordable home ownership units, from housing previously considered beyond the affordable range.

CONCLUSIONS:

This application, if approved, would result in a loss of 15 rental units from the supply of affordable rental housing in the City. The applicant is not proposing to provide both alternate and replacement units, to eliminate any loss of rental units, as outlined in the Act.

However, taking into account all relevant considerations, the proposal would not have a significant adverse impact on the supply of affordable rental housing in the City, as:

- The subject rental units are not in the affordable range. The current rents of \$816 to \$843 per month are over the limit of the affordable range for Hamilton, which is \$810, as defined by the Province;
- The units in question are to be sold at prices from \$75,000 to \$85,000, which fall within the affordable range for ownership, being affordable to households in the lower income ranges. Mortgage payments would be lower than current rents paid by existing tenants. Conversion might assist some households to move into the ownership market;
- The applicant has offered in writing to provide the tenants the first right of refusal and opportunity to purchase their unit, at the stated price of between \$75,000 and \$85,000. To date, tenants in seven of the 15 units are interested in purchasing. This option is to be exercised within two years;
- The applicant has also indicated that he is willing to offer long term leases to any tenants who wish to continue renting their units. Therefore, tenants would not be forced to leave their homes if the conversion application is approved. Tenants in the income ranges to afford the rents in this project have several housing options, including rental housing and home ownership.

In the case of previous applications, i.e. 515 Main Street East, Council has given approval for conversion on the condition that the owner enter into a legal agreement ensuring tenants the opportunity to continue renting their units as long as they wish. This is not being recommended in this case, as the housing units are beyond the affordable housing range. However, if there are concerns about the possible displacement of tenants as a result of conversion, Committee can request the Law Department to prepare an agreement with the owner, to ensure tenure of renters for as long as they wish.;

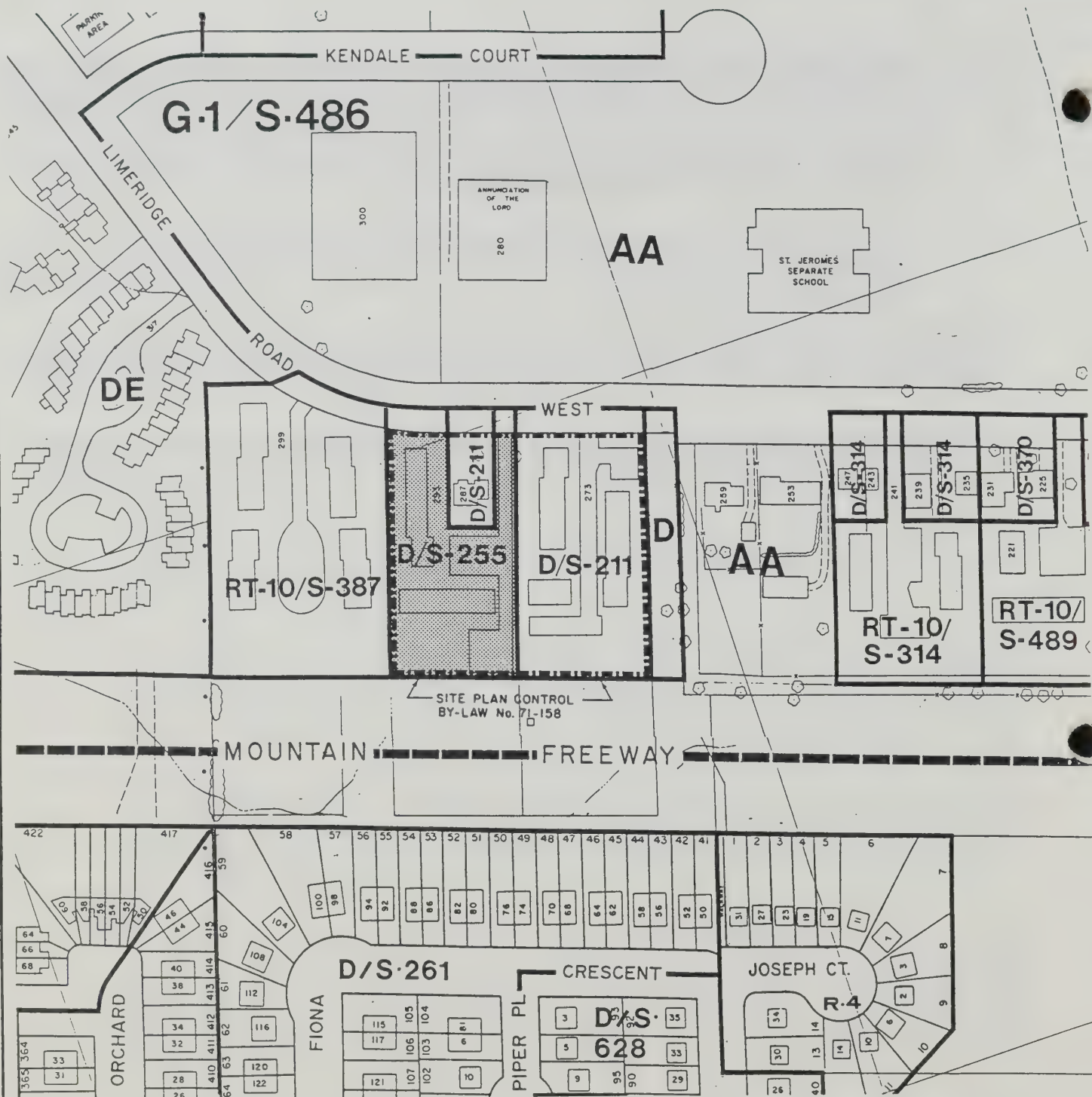
- The rental vacancy rates in the City is at 2.6%. This rate has been at over 2% for almost a year, which, although not a fixed ceiling, does indicate that there is a reasonable supply of vacant units in the City as a whole. While the vacancy rate in this area of the City, namely Hamilton Mountain, is about 1.2% for all units, the vacancy rate for row units on the Mountain is 3.2%;

- Approval of the proposal would result in a 0.04% reduction in the City's overall supply of rental housing; and a 1.6% reduction in the supply of rental row units on the Mountain;
- There is a variety of row housing developments in the immediate vicinity of the subject property, offering a variety of tenure options; and,
- This application addresses the requirements of the Rental Housing Protection Act only. Further approval of the application as a condominium is still required, following Council approval under the R.H.P.A.

Therefore, approval of the application for conversion to condominium can be supported, based on the above factors.

Following approval by City Council, the City Clerk will execute the Certificate of Approval in a form satisfactory to the City Solicitor.

vg
CD92002.REP



NOTE: Extract from Rolston Neighbourhood Zoning Map
and adjacent Gourley Neighbourhood.

City of Hamilton

Key Map

Rental Housing Protection Act

CD-92-002 293 Limeridge Road West

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



Location of Subject Lands

North



Scale
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Date
MARCH 1993

Reference File No.
CD-92-002

Drawn By
Z.K.

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File No.

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Mrs. VANESSA D. GRUPE PLANNER
PLANNING AND DEVELOPMENT
THE REGIONAL MUNICIPALITY OF
HAMILTON-WENTWORTH

SUBJECT: CONDO CONVERSION 293 LIMERIDGE RD. WEST

THE ATTACHED IS A LIST OF TENNENTS. WHO ARE QUITE INTERESTED
OR SHOWING THEIR INTENT TO PURCHASE THESE UNITS AS CONDOMINIUMS.
ONCE THIS PROJECT IS APPROVED. MOST OF THE TENNENTS ARE LONG TERM
TENNENTS AND THEY WILL BE VERY HAPPY IF THEY CAN OWN THEIR UNITS.
THEY ARE LIVING IN
IN THE NEIGHBOUR HOOD ON BOTH SIDES OF THIS PROJECT. ARE
CONDOMINIUMS.

THANKING YOU FOR YOUR COOPERATION

MILKHA SINGH

- similar letters from
7 tenants

293 LIMERIDGE RD. WEST CONDOMINIUM CONVERSION

TO WHOM IT MAY CONCERN

MILKHA SINGH (LANDLORD)

I WOULD BE INTERESTED TO PURCHASE THIS UNIT. I AM RESIDING IN AS
CONDOMINIUM UNDER THE FOLLOWING CONDITIONS.

I MUST HAVE THE 1ST RIGHT OF REFUSAL.

PURCHASE PRICE BETWEEN \$75000 TO \$85000.00

I SHALL HAVE THE OPTION TO PURCHASE WITHIN TWO YEARS.

I BELIEVE. UNDER THE CURRENT ECONOMIC CONDITIONS, MY MORTGAGE
PAYMENTS WILL BE LOWER THAN THE RENT I AM PAYING.

NAME:

Sheri Leisner

UNIT #: 1

Milkh Singh

WITNESS:

DATED:

Jan 21/93

MILKHA SINGH

66 Terrence Park Dr.

Ancaster, Ontario

L9G 1C2

PLANNING & DEVELOPMENT
LOCAL PLANNING BRANCH

File No.

Received

MAR 17 1993

TO

STAFF INIT.

INFO.

ACT.

DIRECTOR

PLANNING

DESIGN

DEV.

EAUD.

STAFF

CART.

ADMIN.

MS. VANESSA D. GRUPE (PLANNER)
PLANNING AND DEVELOPMENT
THE REGIONAL MUNICIPALITY OF
HAMILTON-WENTWORTH.

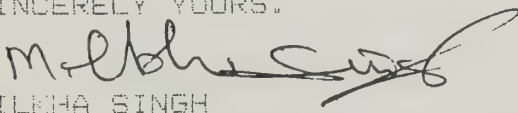
SUBJECT: CONDO CONVERSION OF 293 LIMERIDGE RD. WEST 15 UNITS

DEAR SIR,

I WILL BE PREPARED TO ENTER INTO AN AGREEMENT WITH EACH TENANT
OF 293 LIMERIDGE ROAD WEST TO SIGN A TENNANCY LEASE FOR 2 TO
YEARS ENDING DECEMBER 31, 1995. THIS WILL AVOID TENNANT
DISPLACEMENT. THIS OFFER WILL BE MADE TO THE TENNANTS AND IT WILL
BE BINDING ON BOTH PARTIES.

THANKING YOU FOR YOUR COOPERATION.

SINCERELY YOURS.


MILKHA SINGH

DATED: MARCH 17, 1993.

APPENDIX "A"

Vacancy Rates - Privately Initiated Buildings

Hamilton Mountain and the City of Hamilton

		<u>City of Hamilton</u>	<u>Hamilton Mountain</u>
		%	%
October	1989	0.7	0.3
April	1990	1.0	0.2
October	1990	1.4	0.2
April	1991	1.6	0.7
October	1991	1.9	0.4
April	1992	2.6	0.9
October	1992	2.6	1.2

Notes:

- Vacancy rate is calculated from a survey of apartments with more than three units and rental row/townhouses, by CMHC.
- The Region of Hamilton-Wentworth recognizes the CMHC rates as the official rates to be used when applying Section 8.14 and 8.15 of the Regional Official Plan.
- A vacant unit is a dwelling unit that is available for immediate rental and physically unoccupied at the time of enumeration.
- Hamilton Mountain, as defined by CMHC, is the entire portion of the City of Hamilton which is located above the Escarpment, up to the south City limits.

Source:

- Central Mortgage and Housing Corporation (CMHC), October, 1992 Rental Market Reports for Hamilton CMA, Table 5; and previous volumes of this report.

APPENDIX "B"

Vacancy Rates - Row Units (Privately-Initiated)

Hamilton Mountain and the City of Hamilton

	<u>City of Hamilton</u> %	<u>Hamilton Mountain</u> %
Total Number of Units	1,412	944
No. of Vacant Units	49	30
Current Vacancy Rate	3.5%	3.2%
Impact of Removing 15 Rental Units (3 Vacant) From Supply of Units		
- Reduction in Units	15 or 1.1%	15 or 1.6%
- New Vacancy Rate	3.3%	2.9%

Notes:

- Vacancy rate is calculated from a survey of rental row/townhouses, by CMHC.
- A vacant unit is a dwelling unit that is available for immediate rental and physically unoccupied at the time of enumeration.
- Hamilton Mountain, as defined by CMHC, is the entire portion of the City of Hamilton which is located above the Escarpment, up to the south City limits.

Source:

- Central Mortgage and Housing Corporation (CMHC), October, 1992 Rental Market Reports for Hamilton CMA, Table 6.

APPENDIX "C"

Impact on Supply of Units and Vacancy Rates

In City and Hamilton Mountain Zone

of Proposed Condominium Conversion

	<u>City</u>	<u>Hamilton Mountain</u>
Number of Apartment Units	33,476	7,306
Number Currently Vacant	857	90
Current Vacancy Rate	2.56%	1.23 %
Impact of Removing 15 Rental Units (3 Vacant) From Supply of Units		
- Reduction in Units	15 or 0.04%	15 or 0.2%
- New Vacancy Rate	2.55%	1.19%

Notes:

- Vacancy rate is calculated from a CMHC survey of privately-initiated apartments with more than three units and rental row/townhouses.
- The Region of Hamilton-Wentworth recognizes the CMHC rates as the official rates to be used when applying Section 8.14 and 8.15 of the Regional Official Plan.
- A vacant unit is a dwelling unit that is available for immediate rental and physically unoccupied at the time of enumeration.
- Hamilton Mountain, as defined by CMHC, is the entire portion of the City of Hamilton which is located above the Escarpment, up to the south City limits.

Source:

- Central Mortgage and Housing Corporation (CMHC), October, 1992 Rental Market Report for Hamilton CMA, Table 5.

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Urban Municipal
Collection
2nd Floor
Hamilton Public Library

1993 April 1

URBAN MUNICI

NOTICE OF MEETING

APR - 1993

PLANNING AND DEVELOPMENT COMMITTEE GOVERNMENT DOCUMENTS

Wednesday, 1993 April 7
9:30 o'clock a.m.
Room 233, City Hall

Tina Agnello, Secretary
Planning and Development Committee

AGENDA:

1. CONSENT AGENDA

2. DELEGATION - BOB JUGOVIC

Alpha East Enclave Program - 48 Imperial Street

3. COMMISSIONER OF PLANNING AND DEVELOPMENT

Zoning Application 93-11, Rolanco Networking, owner, requesting removal of the "H" (Holding) provision from the "C" District, modified, regulations, for property at No. 860 Upper Wentworth Street; Bruleville Neighbourhood. (Not a Public Meeting)

PUBLIC MEETINGS

10:30 O'CLOCK A.M.

4. Zoning Application 91-59, Leo Cascioli, owner, for a modification to the established "H" District regulations, for property located at No. 29 Severn Street; Central Neighbourhood
5. Zoning Application 93-04, Highridge Developments (Hamilton) Ltd., prospective owner, for a change in zoning from "AA" District to "C" District, for lands located south of Rexford Drive and east of Ardleigh Street; Randall Neighbourhood
6. Zoning Application 92-54, Max Mintz, owner, for a modification to the "E" District regulations for Block "1", and for a further modification to the "E" District regulations for Block "2", for property located at Nos. 1854-1868 Main Street West; Ainslie Wood West Neighbourhood

10:45 O'CLOCK A.M.

7. Zoning Application 92-44, E. Fazekas, A. Nardi and Q. Staunitzky, owners, for a modification to the established "D" District regulations, for property located at No. 280 Aberdeen Avenue; Kirkendall North Neighbourhood
 - (a) Submission: G. D. Edge, 282 Aberdeen Avenue, Hamilton
 - (b) Submission: P. Stewart, 9 Fairmont Avenue, Hamilton

8. OTHER BUSINESS

9. ADJOURNMENT.

PLANNING AND DEVELOPMENT COMMITTEE

OUTSTANDING LIST

Item No.	Item	Original Date	Action	Status
1.	Mobile Signs		Planning	Report Pending
2.	C.I. 90-F - Parking requirements in the Central Business District	1990 July 25	Planning	Draft Report being finalized. Consult with Parking Authority, Traffic, Building and Cash-in-Lieu of Parking Committee
3.	Site Plan Enforcement Procedures	1991 January 23	Building, Regional Engineering, and Planning	Report back on alternative proposals
4.	Conditions of Conversions - Separate Utility Controls	1991 June 19	Building	Report Pending
5.	Site Plan Control Application DA-91-50 45 Hempstead Drive	1992 January 8	Planning	Tabled - Applicant directed to proceed through Committee of Adjustment
6.	ZA-91-12 - 25 Hess Street South	1992 June 24	Applicant	Tabled for negotiations between parties
7.	ZA-92-03 - 212 James Street South	1992 June 24	Applicant Harper Brothers Holdings	Tabled to submit amended application
8.	Definition of "Foster Home" and "Residential Care Facility"	1992 November 18	Alderman T. Cooke	Planning & Building Departments to prepare a report
9.	Lot Grading with respect to Land Severance Applications creating 1, 2 & 3 Lots	1993 February 3	Alderman H. Merling	Tabled to allow previous Sub-Committee to review matter
10.	Revitalization of Barton	1993 February 3	Mayor R. M. Morrow	Various Departments to report back on Mayor's Request
11.	Go Transit Centre - 36 Hunter Street Consultant Study	1993 March 3	Finance & Administration Committee	Referred to Finance & Administration Committee for method of financing
12.	Building Permit Fees and Development Charges	1993 March 24	Building	Building Department to review and report back
13.	Condominium Conversion - 293 Limeridge Road West	1993 March 24	Ward Aldermen	Ward Aldermen to contact residents
14.	Implementation of Public Participation Policies - Central Area Plan	1993 March 24	Planning	Planning to prepare guidelines based on CAPIC Report dated 1993 March 11

Tina Agnello, Secretary
1993 March 31

APR 7 1993

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GOVERNMENT DOCUMENTS

PLANNING AND DEVELOPMENT COMMITTEE

WEDNESDAY, 1993 April 7

CONSENT AGENDA

A. ADOPTION OF THE MINUTES

Minutes of the Planning and Development Committee meeting held 1993 March 24

B. MANAGER OF PURCHASING

Consulting Services for Revitalization of Ferguson Avenue

C. BUILDING COMMISSIONER

Demolition of:

- (a) 36 Pearl Street North
- (b) 623 Limeridge Road East

D. COMMISSIONER OF PLANNING AND DEVELOPMENT

- (a) Authorization for a Public Meeting - Closure of Cathcart Street
- (b) Comments on Halton Draft Official Plan

E. SECRETARY, PLANNING AND DEVELOPMENT

Information Items

Wednesday, 1993 March 24
9:30 o'clock a.m.
Room 233, City Hall

A.

The Planning and Development Committee met.

There were present: Alderman F. Eisenberger, Vice-Chairperson
Alderman D. Drury, Chairperson
Alderman Wm. McCulloch
Alderman D. Wilson
Alderman B. Charters
Alderman F. D'Amico
Alderman H. Merling

Regrets: Mayor Robert M. Morrow (Civic Business)
Alderman M. Kiss (Vacation)

Also Present: Alderman G. Copps
Alderman D. Agostino
Alderman T. Anderson
Victor Abraham, Director of Local Planning
Paul Mallard, Planning Department
Bill Janssen, Planning Department
Nina Chapple, Planning Department
Lou Lanza, Regional Planning Department
Mary Lou Tanner, Planning Department
Peter Lampman, Building Department
John Robinson, Building Department
Dave Powers, Law Department
Geoff Aston, Engineering Department
Roland Karl, Traffic Department
Tina Agnello, Secretary

1. **CONSENT AGENDA**

The Local Architectural Conservation Advisory Committee Items were pulled for discussion as follows:

A. **SECRETARY LACAC**

(a) **Bamberger House, 11-13 Holmes Avenue - Funding for Relocation and Structural Investigation**

The Committee forwarded to Council the recommendation of the Secretary, LACAC dated 1993 March 16, as amended to add Sub-Section (b), as follows:

- (a) That funding in the amount of \$15,000. be provided from the City's Reserve Acquisition of Historic Properties Account (CH 00120) to:
- i. Undertake a structural investigation of 11-13 Holmes Avenue, as soon as the house is vacated at the beginning of 1993 May.
 - ii. Partially dismantle and move the original log structure presently located at 11-13 Holmes Avenue to the Westfield Heritage Centre, in the event that it is assessed to be worthy of preservation by the Architect/Consultant Peter Stokes, in terms of its structural soundness and architectural integrity.

- (b) That the City's contribution be conditional upon the other participants raising the balance of the total estimated project costs of \$24,045.
- (b) **Designation Recommendation - T.H. & B. Station (GO Transit Centre) 36 Hunter Street East**

As recommended by the Secretary, LACAC in a report dated 1993 February 3, the Committee recommended to Council as follows:

- (a) That approval be given to the "Intent to Designate" the former T.H. & B. Station at 36 Hunter Street East as a property of historical and architectural value, pursuant to the provisions of the Ontario Heritage Act, 1983, as outlined in the Reasons for Designation attached herewith and marked as Appendix "A"; and
- (b) That the City Solicitor be authorized as directed to take appropriate action to have this property designated pursuant to the provisions of the Ontario Heritage Act, 1983.

The Committee also resolved to direct the LACAC Committee to request that the GO Transit Centre be wheelchair accessible.

B. ADOPTION OF THE MINUTES

The Minutes of the Planning and Development Committee held 1993 March 3 were approved as circulated.

REPORTS

The Planning and Development Committee recommended to Council the recommendations in various reports in the Planning and Development Committee Consent Agenda as follows:

C. DIRECTOR OF PROPERTY

Release of Building Covenants - 120 Nebo Road, Hamilton, Lot 19, Plan M-227 Hamilton Industrial Park No. 1 City Sale to Elio Marchetti Construction Covenants as contained in City Deed 209743 L.T. and 209744 L.T., dated 1993 March 8:

That the Mayor and City Clerk be authorized to execute the necessary documents to release the property at 120 Nebo Road, Hamilton (Lot 19, Hamilton Industrial Park No. 1, Plan M-227), from the construction covenants to the City as contained in Deed Instrument Numbers 209743 L.T. and 209744 L.T., registered on September 22, 1987.

D. DIRECTOR OF PUBLIC WORKS

Closure of Public Works Department Community Renewal Section Capital Projects, dated 1993 February 25:

That the City Treasurer be directed to close the following Capital Project accounts with any excess funding to be transferred to its original source of financing:

Capital Centre Number	Project Description	Authorized Gross Cost	Expended/ Committed To Date	Balance Available	Source Of Financing
a) 428303000	Downtown Action Plan Phase 1	3,529,000.00	3,529,000.00	0.00	Cap. Levy/ Debentures
b) 428403000	Downtown Action Plan Phase 2	1,603,000.00	1,599,382.06	3,617.94	Debenture/ CAIP Loan
c) 428702000	PRIDE - Crown Point West/ Stipley	800,000.00	800,000.00	0.00	Reserve Cap. Proj./ Debentures
d) 429102002	PRIDE - Anti-Recession Program	800,000.00	799,858.86	141.14	Cap. Levy
TOTAL		6,732,000.00	6,728,240.92	3,759.08	

E. COMMISSIONER OF PLANNING AND DEVELOPMENT

- (a) **Amendment to the approved Beasley Neighbourhood Plan - Carter Square, dated 1993 March 10:**

That the approved Beasley Neighbourhood Plan be amended as shown on Appendix "B" attached hereto.

- (b) **C.P. Rail Bridges at Poulette, Ray and Pearl Streets; Kirkendall North Neighbourhood, dated 1993 March 16:**

The Planning and Development Committee approved a recommendation to request the Transport and Environment Committee to:

- (a) Request the National Transportation Agency (N.T.A.) to reactivate the City of Hamilton's application for funding for the construction of a pedestrian bridge to replace the former Poulette Street Bridge, at the expense of C.P. Rail, based on the public demand for this bridge; and
- (b) Direct staff of the Roads Department and Public Works Department to review the condition and need for maintenance of the bridges at Pearl and Ray Streets, to ensure that sufficient funds are provided by the appropriate agency or agencies to keep these bridges in good repair for pedestrian use, and notify C.P. Rail of any deficiencies.

F. BUILDING COMMISSIONER

- (a) **Demolition of 28 Victoria Avenue North - Tag Number 88693, dated 1993 March 16:**

That the Building Commissioner be authorized to issue a demolition permit for 28 Victoria Avenue North.

- (b) **Commercial Facade Loan Programme Loan Increase - 533-537 Concession Street, dated 1993 March 9:**

That a loan increase of \$1,886. be approved for Mr. G. Turpin, 533-537 Concession Street, under the Commercial Facade Loan Programme. The total loan is now \$30,000.

- (c) **Various applications under the Hamilton Emergency Loan Programme:**

- i. That a Hamilton Emergency Loan (H.E.L.P.) in the amount of nine hundred and ten dollars, (\$910.) be approved for Agnes Gidley, 74 Chatham Street, Hamilton. The interest rate will be 8 per cent amortized over 5 years.
- ii. That a Hamilton Emergency Loan (H.E.L.P.) in the amount of nine hundred and ten dollars, (\$910.) be approved for Mona-Lynn Clarkson, 48 East 35th Street, Hamilton. The interest rate will be 8 per cent amortized over 5 years.
- iii. That a Hamilton Emergency Loan (H.E.L.P.) in the amount of one thousand, four hundred and ninety eight dollars, (\$1,498.) be approved for Maria Tompa, 252 Glencarry Avenue, Hamilton. The interest rate will be 8 per cent amortized over 5 years.

G. **SECRETARY, PLANNING AND DEVELOPMENT**

Information Items

As recommended in a report dated 1993 March 18, the Committee received the following reports for information purposes:

- (a) Township of Osprey Resolution Re: Commission for Planning and Development Reform in Ontario
- (b) Notice of Public Meeting for Proposed Closure of Bay Street North
- (c) City Solicitor: Carter Square OMB Zoning Approval
- (d) LACAC Minutes of 1993 February 1
- (e) Commissioner of Planning and Development: Approved Site Plan Control Applications dated 1993 March 15

2. **CENTRAL AREA PLAN IMPLEMENTATION COMMITTEE: PUBLIC PARTICIPATION POLICIES**

2.1 **CAPIC Report**

2.2 **Planning Department Report**

The Committee moved to receive the CAPIC Report dated 1993 March 11, and approved the recommendation of the Commissioner of Planning and Development in a report dated 1993 March 11 as follows:

That the recommendations of the Central Area Plan Implementation Committee, as contained in the report dated 1993 March 11, be referred to the Planning and Development Department in order for Planning and Development Department to prepare, in concert with all City Departments, guidelines for public participation.

3. **COMMISSIONER OF PLANNING AND DEVELOPMENT**

Zoning Application 93-02, J. A. Riccio Developments Inc., owner, requesting removal of the "H" (Holding) provision from the "HH" District, modified, for lands located at Nos. 1379-1383 Upper James Street; Ryckmans Neighbourhood

Mr. Mallard explained that the Holding provisions were in place pending servicing of the subject property.

As recommended in a report dated 1993 March 2 the Committee recommended to Council as follows:

That **approval** be given to Zoning Application 93-02, J. A. Riccio Developments Inc., owner, requesting the removal of the 'H' (Holding) symbol provision under Section 36 of the Planning Act, to permit the development of the subject lands for a proposed commercial development (i.e. furniture warehouse), and the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593, as amended by By-law 88-281, and Zoning District Map E-9C for presentation to City Council for the lands located at Nos. 1379 - 1383 Upper James Street, as shown on the attached map marked as Appendix "C".

4. **SECRETARY, LACAC**

Fearman House, 90 Stinson Street - Designation

Copies of "Reasons for Designation", were distributed to the Committee Members.

Nina Chapple advised that the Home was built in 1863 and enlarged in 1890. It was the home of Frederick Fearman founder of the first packing house in Canada. The home should be preserved for context, architectural and historical reasons.

Ms. Chapple explained that the owner of the building is not required to take the demolition request to Council because there is no residential designation on the property.

Paul and Helaine Ortmann of 34 Ontario Avenue were present in support of the designation. Ms. Ortmann spoke on behalf of the Stinson Neighbourhood Association stating that the Fearman house is a symbol of the Neighbourhood and the City should act to preserve and protect the remaining historical buildings in the neighbourhood. She requested the designation in order to allow negotiation with the owner for possible uses of this site.

Mr. Ortmann cited examples of several buildings in the Neighbourhood of architectural and historical significance which have been torn down.

Dr. John Lambert of 132 East Avenue was also present in support of the designation. He felt that the building can be used for many purposes.

In response to a question from the Chairperson, Ms. Chapple stated that the owner, being the Roman Catholic Diocese of Hamilton has been invited to the meeting via correspondence and through telephone conversations.

As recommended by the Secretary of LACAC in a report dated 1993 March 16, the Committee recommended to Council as follows:

- (a) That approval be given to the "Intent to Designate" 90 Stinson Street as a property of historical and architectural value, pursuant to the provisions of the Ontario Heritage Act, 1983, as outlined in the Reasons for Designation attached herewith and marked as Appendix "D"; and
- (b) That the City Solicitor be authorized and directed to take appropriate action to have this property designated pursuant to the provisions of the Ontario Heritage Act, 1983.

Alderman H. Merling Opposed.

5. **DELEGATION - ALDERMAN D. AGOSTINO**

User Fees in the City of East York (Previously tabled)

Alderman Agostino explained that in order to encourage development he suggests eliminating fees as has been implemented by the City of East York. He requested that staff review the present building fees and development charges.

Mr. Lampman advised that in 1992 the City reduced development charges by 40%. Alderman Merling advised that the Committee of the Whole has determined fee structures for 1993. He also informed the Committee that on April 1, 1993 there will be a new development charge structure at the Region. He suggested Alderman Agostino raise this issue at a Committee of the Whole or Council Meeting.

Paul Mallard explained that the City of North York has eliminated its fees because the tax base is 75 residential and 25% commercial. There has been no new commercial development in the past 10 years.

Victor Abraham added that application fees for Zoning and Official Plan Amendments is approximately \$3,000. in Hamilton as compared to \$30,000. in East York.

After brief discussion the Committee resolved as follows:

That staff be directed to review the structure of the Building Permit Fees and Development Charges and report back to the Planning and Development Committee.

6. **BUILDING COMMISSIONER**

Cash in Lieu of Planning Policy

As recommended in a report dated 1993 March 1 the Committee recommended to Council as follows:

That a application fee of \$350. for an application for cash-in-lieu of parking be established.

PUBLIC MEETINGS

7. Subdivision Application 25T-92011 and Zoning Application 92-51, Ontario Land Corporation, owner, for a modification to the established "C" District regulations, for lands located between Duncairn Crescent and Heatherdale Place, and west of Gondola Street; Gourley Neighbourhood

Peter Scott was present on behalf of the applicant.

As recommended by the Commissioner of Planning and Development in a report dated 1993 March 17, the Committee recommended to Council as follows:

- A. That **approval** be given to amended Zoning Application 92-51, Ontario Land Corporation, owner, requesting a modification in zoning to the established "C" (Urban Protected Residential, etc.) District to permit (7) single-family detached dwelling lots with reduced widths and four (4) of the lots with reduced areas, for lands located between Duncairn Crescent and Heatherdale Place, and west of Gondola Street, as shown on the attached map marked as Appendix "E", on the following basis:
- (a) That the "C" (Urban Protected Residential, etc.) District regulations as contained in Section 9 of Zoning By-law No. 6593 applicable to the subject lands, be modified to include the following variance as a special requirement:
 - i. That notwithstanding Section 9.(4) of Zoning By-law No. 6593, a minimum lot width of 11.4 m (37.4 ft.) and a minimum lot area of 350.0 m² (3,767.5 sq. ft.), shall be provided and maintained for every lot;
 - (b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1307, and that the subject lands on Zoning District Map W-17B be notated S-1307;
 - (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-17B for presentation to City Council;
 - (d) That the proposed modification in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
- B. (a) That **approval** be given to application 25T-92011, "Hamilton Gourley Stage 1", Ontario Land Corporation, owner, to establish a draft plan of subdivision, on lands situated between Heatherdale Place and Duncairn Crescent in the Gourley Neighbourhood, subject to the following conditions:
- i. That this approval apply to the plan, as revised in red, prepared by A. J. Clarke and Associates Limited, stamp dated November 13, 1992, showing 20 lots for single family dwellings.
 - ii. That Lots 7 to 11 inclusive, be revised to avoid a potential overlapping of driveways within the boulevard area.

- iii. That the Owner satisfy all financial requirements of both the City of Hamilton and the Region of Hamilton-Wentworth with respect to providing municipal services to the subdivision lands and costs associated with the 0.30 metre reserves (Parts 2, 4, and 6 shown on Plan 62R-12372) on Duncairn Crescent and Gondola Street.
 - iv. That the Owner be required to enter into subdivision agreements with both the City of Hamilton and the Region of Hamilton-Wentworth prior to the development of any portion of these lands.
 - v. That a grading plan be submitted to the Parks Division of the City of Hamilton Public Works Department to facilitate the integration of this project with the adjacent parkland.
 - vi. That the final plan not be approved until such time as municipal sewers, water and adequate road access are available to service the lands.
 - vii. That the streets be dedicated as public highways on the final plan to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.
 - viii. That the streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.
 - ix. That the final plan conform with the Zoning By-law approved under the Planning Act.
 - x. That such easements as may be provided for utility or drainage purposes be granted to the appropriate authority.
 - xi. That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block and the gross area of the subdivision in the final plan.
 - xii. That the owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton for park purposes.
 - xiii. That the owner shall erect a sign in accordance with Section XI of the subsequent agreement, prior to the issuance of a final release by the City of Hamilton.
 - xiv. That the owner agree in writing to satisfy all requirements, financial and otherwise, of the City of Hamilton.
- (b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Regional Municipality of Hamilton-Wentworth with respect to this application (25T-92011), Ontario Land Corporation, owner, proposed draft plan of subdivision, and that the City execute the agreement with the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.

8. **Zoning Application 92-53, 518374 Ontario Ltd. (Angello Papastamos), owner, for a further modification to the "AA" District regulations, for a property located at No. 1314 Upper Wentworth Street; Crerar Neighbourhood**

Angello Papastamos was present in support of his application.

Paul Mallard advised that the request is application to allow a Butcher Shop as an accessory use. A previous request to change auto body shop to retail offices spaces was approved.

Alderman Merling and Alderman Anderson concern that the Butcher Shop would be used as an over-the-counter deli and would therefore be a fast food outlet.

Paul Mallard explained that the facility is not a restaurant with seats. A variety store which is presently permitted can sell prepackaged food over the counter.

Peter Lampman clarified the purpose of "prepackaged food" is that if not be consumed on the premise. It may be prepared on premise.

Mr. Lampman added that as long as the preparation of sandwiches to be sold is not the primary use then, the intent of the by-law is not violated.

Mr. Papastamos stated that the primary use will be a butcher shop and that occasionally a sandwich will be sold by request.

As recommended by the Commissioner of Planning and Development in a report dated 1993 March 9, the Committee recommended to Council as follows:

That **approval** be given to Zoning Application 92-53, 518374 Ontario Limited, (Angello Papastamos), owner, requesting a further modification to the established "AA" (Agricultural) District regulations, to permit a butcher shop as an additional permitted use within the existing building, on property located at No. 1314 Upper Wentworth Street, as shown on the attached map marked as Appendix "F", on the following basis:

- (a) That the "AA" (Agricultural) District regulations as contained in Section 7A of Zoning By-law No. 6593, as amended by By-law No. 92-075, applicable to the subject lands, be further amended as follows:

- i. That Section 1.(a)(i) Commercial Uses, of By-law 92-075 be amended by adding the words "including an accessory butcher shop" after "a retail variety store" so that the Section reads as follows:

"(i) Commercial Uses:

1. a retail variety store including an accessory butcher shop;
2. a business and professional person's office,

within the building existing on the day of the passing of this by-law;"

- (b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1158a, and that the subject lands on Zoning District E-18C be notated S-1158a;

- (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-18C for presentation to City Council;
- (d) That the proposed modification in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

9. **Zoning Application 92-56, Demetre Dekaneas, owner, for a change in zoning from "AA" District to "C" District, for lands located at Nos. 140, 150 and 158 Rymal Road West; Mewburn Neighbourhood**

Mr. Dekaneas was present in support of his application.

In response to a question for Mr. Williams of 164 Rymal Road West, the Chairperson told Mr. Williams that his assessment would not increase as a result of the application being approved.

Paul Mallard advised that the request is to change property use from agricultural to Urban residential. The Change would be in keeping with the intent of the Official Plan and Neighbourhood Plan. Of the notices mailed 13 people responded in favour and 3 were opposed.

As recommended by the Commissioner of Planning and Development in a report dated 1993 March 2 the Committee recommended to Council as follows:

That approval be given to Zoning Application 92-56, Demetre Dekaneas, owner, for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, to permit future single-family residential development, for property located at Nos. 140, 150 and 158 Rymal Road West, as shown on the attached map marked as Appendix "G", on the following basis:

- (a) That the subject lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
- (b) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps W-9D and W9-E for presentation to City Council;
- (c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

10. **Rental Housing Protection Act Application CD-92-002, for property located at No. 293 Limeridge Road West**

Mr. Singh the applicant, and John Shipton his Solicitor, were present in support of the application.

Vanessa Grupe advised that the 15-3 bedroom townhouse units which presently rent for \$816. to \$843. per month are to be converted. The existing tenants are being given first right to purchase and those who wish to rent will be given long term leases. 10 residents have expressed interest in purchasing the units which are to be sold from \$75,000. to \$85,000. per unit. Since the rents exceed those of affordable housing and the vacancy rates are presently between 2 and 3 % there is no reason to not allow the conversion. Council may if they wish, recommend long term rental agreements if there is concern about tenant displacement.

Michael Robinson of the Tenants Association suggested that conditions regarding term leases and the first right of refusal for purchase be conditions of approval.

Alderman Wilson suggested that the matter be tabled to allow the residents to provide input.

Alderman D'Amico concurred and asked that the item be tabled for approximately 1 month to allow the Ward Aldermen to speak with the residents.

Alderman Merling suggested that the price per unit be made firm and not a range as is presently proposed.

Vanessa Grupe advised that all tenants were notified by the application of the intention to convert and were subsequently provided with notice of the public meeting. The notice of the public meeting was also advertised in The Spectator.

11. **IN CAMERA AGENDA**

The Committee moved into closed session to discuss and reconvened immediately there after with a report.

The Planning and Development Committee approved the following recommendation of the Building Commissioner dated 1993 March 10:

That the total outstanding Commercial Facade Loan for Mr. Philip Salgado and Mr. Michael Kim, 123-127 James Street North, Hamilton in the amount of \$35,931.96 be placed on the Tax Rolls.

12. **OTHER BUSINESS**

None.

13. **ADJOURNMENT.**

REASONS FOR DESIGNATION

Former Toronto, Hamilton and Buffalo Railway Station (Proposed GO-Transit Centre) 36 Hunter St. East, Hamilton

The former Toronto, Hamilton and Buffalo (TH&B) Railway Station, situated on Hunter St. East at the head of Hughson St., ranks as a major architectural landmark of Hamilton's downtown core. The station was constructed in 1931-33 by the TH&B Railway to serve as both a passenger/freight terminal and the company's headquarters. In 1977, Canadian Pacific Railway (CPR) bought control of the railway line and in 1981, the station ceased to function as a passenger terminal. Current plans are to restore and convert the station into the new GO-Transit Center for rail and bus transportation. In 1991, the former TH&B Station was designated under the federal Heritage Railway Stations Protection Act.

The TH&B headquarters were designed by the New York architectural firm of Fellheimer and Wagner in a stream-lined modernist style known as Art Moderne. Well-known for their spectacular railway stations in Buffalo and Cincinnati, the firm provided Hamilton with a high-styled modernist structure which was at the forefront of railway station design in Canada.

Context

The importance of the downtown railway terminal, located just three blocks south of the city's central Gore Park, was recognized in its siting. The station was placed on the cross-axis of Hughson St., and Hunter St. was re-aligned to curve out in front of the building.

In a larger context, the TH&B Station's location at the southern end of Hughson St. corresponds to the Canadian National Railway (CNR) Station's location at the northern end. Both stations face towards the city centre and both were built in the same period, the CNR Station having been completed in 1931, just as construction began on the TH&B Station.

History

The 102-mile railway link between the three major cities came about in 1895 as a result of pressures to introduce competition to the Grand Trunk Railway; to provide the shortest land route to American rail lines; and to give new service along the Hamilton-Niagara corridor.

Established originally as a through-line for passenger and freight service, the TH&B Railway in 1899 constructed a beltline to the City's new industrial lands at the east end, thereby facilitating Hamilton's major industrial expansion of the early 20th century. So profitable was the freight traffic—business increased tenfold between 1901 and 1917—that the company could elect in the middle of the Depression to build new facilities to replace the Victorian structure of 1895.

Architecture

Built of a steel frame construction with a cut-limestone exterior, the structure combines a central, stepped headquarters tower six-stories high over a two-story railway station, which extends laterally in low, rounded projecting wings. Concrete retaining walls stretch out horizontally to from the station to connect to the bridges at James and John Streets.

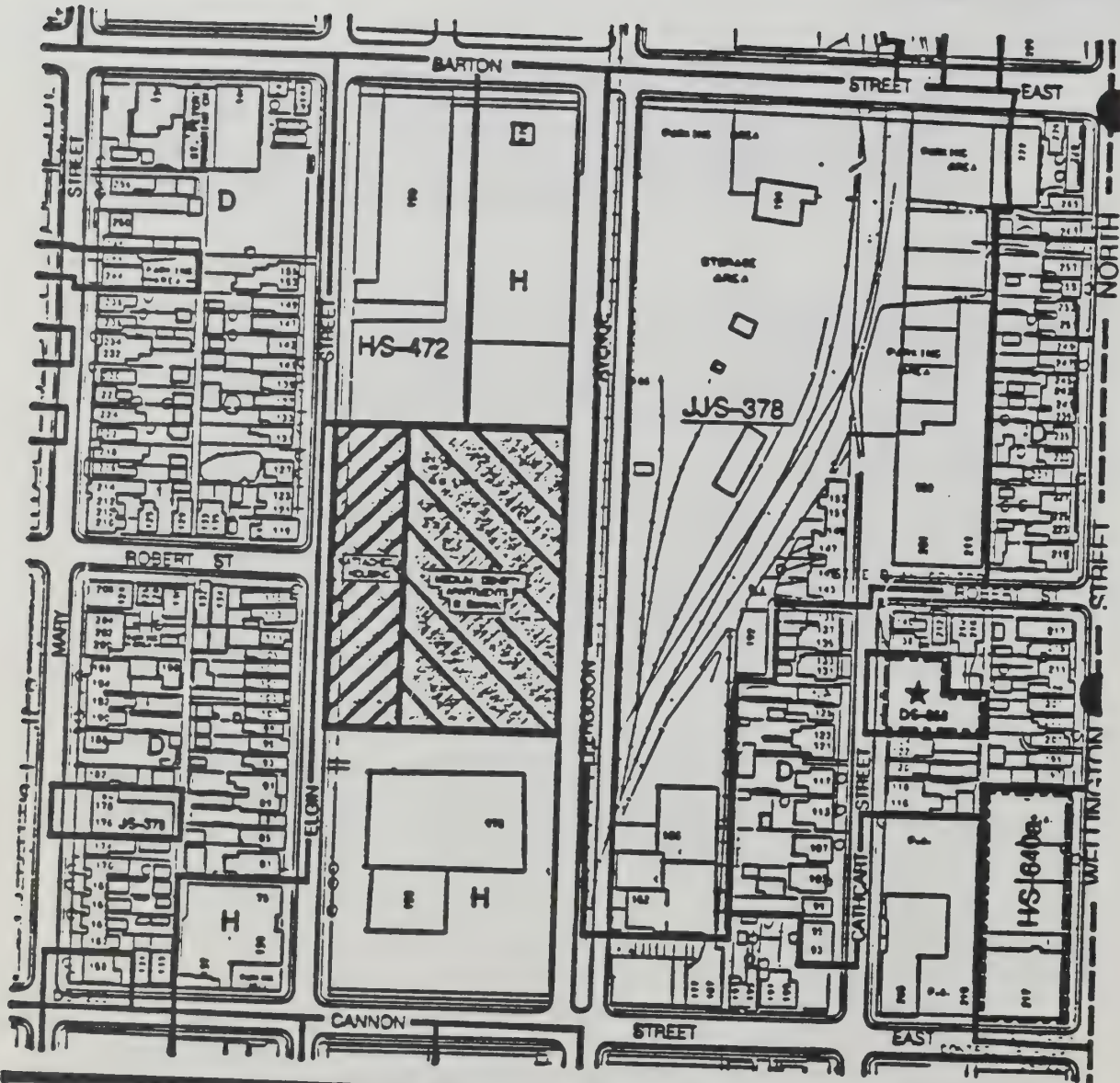
Stylistically, the building achieves a unique combination of the modernist elements popular in the 1920's and '30's. Characteristic of the avant-garde International Style are the stepped office tower configuration and bands of windows which wrap around corners, a hallmark of the curtain wall construction made possible by the use of structural steel. Likewise, the smooth planar walls devoid of any traditional ornamentation, and, in particular, the curved walls of the lower stories, are typical of the streamlined Art Moderne style. Art Deco influence can be seen in the decorative treatment above the central vertical strip window.



The two-storey station, on the other hand, stands as a rare example of a pure Art Moderne public building. On the exterior and throughout the interior can be found the curved forms, polished metals and sleek machined detailing of this stream-lined version of the modernist movement. In the central focal point—the two-story concourse—the design of the architecture and the design of the interior fittings (fixtures, furnishings and signage) achieve total integration, inspired by the same lean industrial aesthetic.

Designated Features

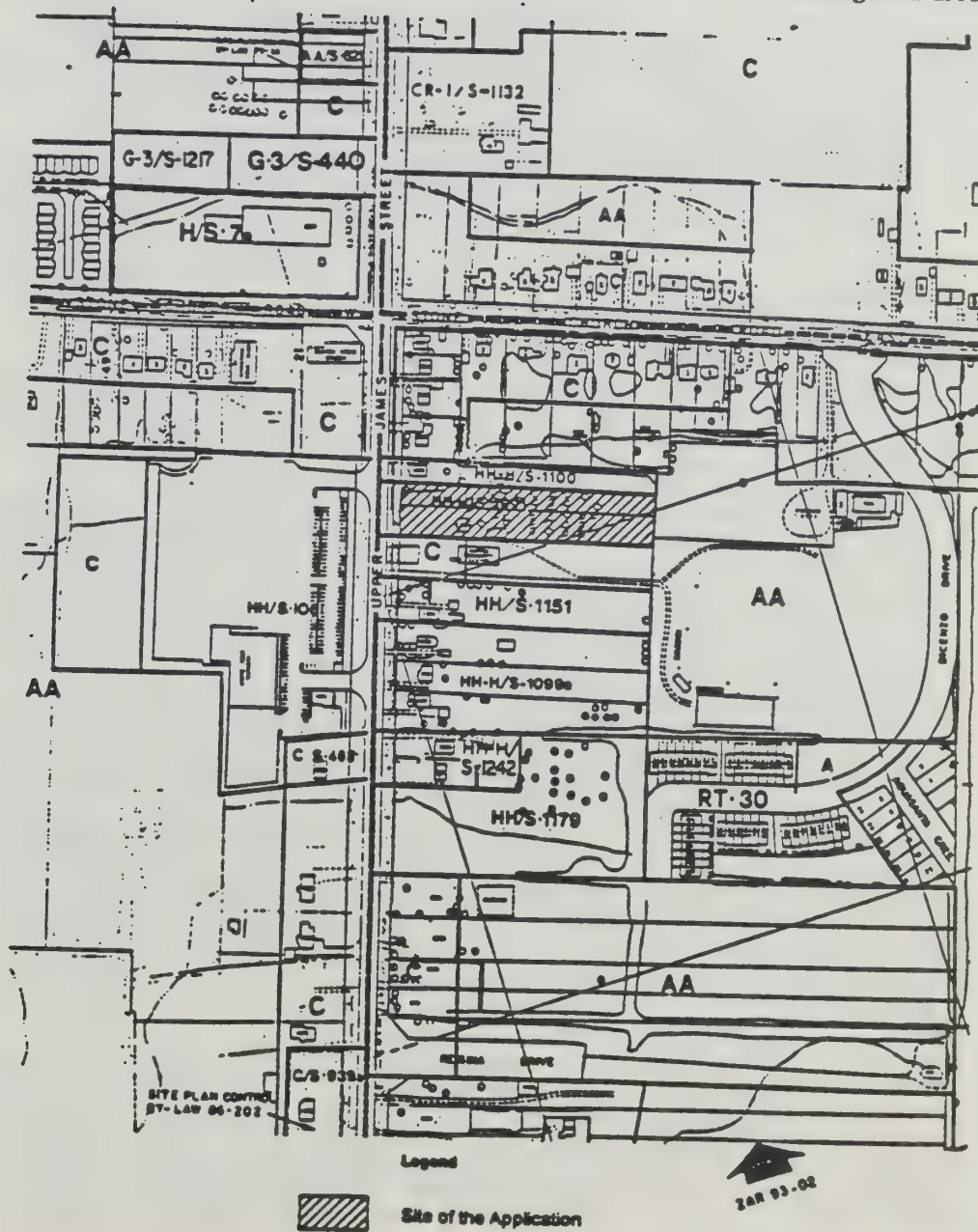
Of importance to the preservation of the former TH&B Railway Station are the original features of all four exteriors, including the limestone walls; windows; entranceways, doors, and porticos; original signage, architectural ornamentation and flagpole; the concrete retaining walls; the platform structures; and the interior entrance lobby and semi-circular concourse, including the mezzanine and all original interior design features, including but not limited to the terrazzo floor, walls, ceiling, doors, columns, steel decoration, lighting and accessory fixtures, clock, wickets, signage, etc.

Appendix "B" as referred to in Section 1E(a) of the Minutes of The Planning and Development Committee Meeting held 1993 March 24

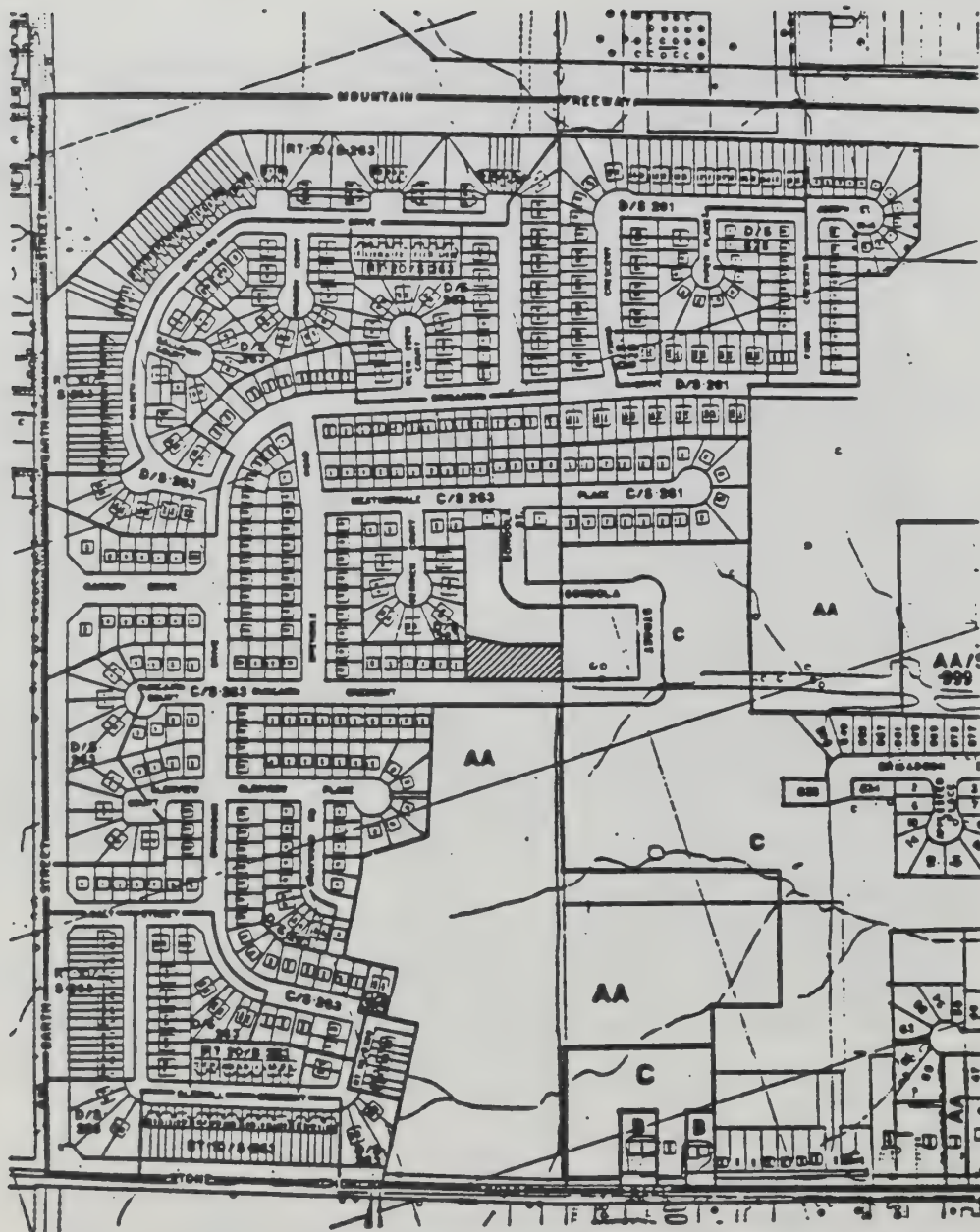


<p>BEASLEY NEIGHBOURHOOD PLAN</p>	 <p>ATTACHED HOUSING</p>	<p>Prepared for the City of Hamilton By the Planning and Development Department Regional Municipality of Hamilton-Wentworth</p> <p>Drawn by: M. G. G. G. Date: 1/2/93 Scale: 1:10,000</p> <p>APPENDIX A</p>
	 <p>MEDIUM DENSITY APARTMENTS (10 Units)</p> <p>AMENDMENT TO THE BEASLEY NEIGHBOURHOOD PLAN</p>	

Appendix "C" as referred to
in Section 3 of the Minutes
of The Planning and
Development Committee
Meeting held 1993 March 24



Appendix "E" as referred
to in Section 7 of the
Minutes of The Planning
and Development Committee
Meeting held 1993 March 24



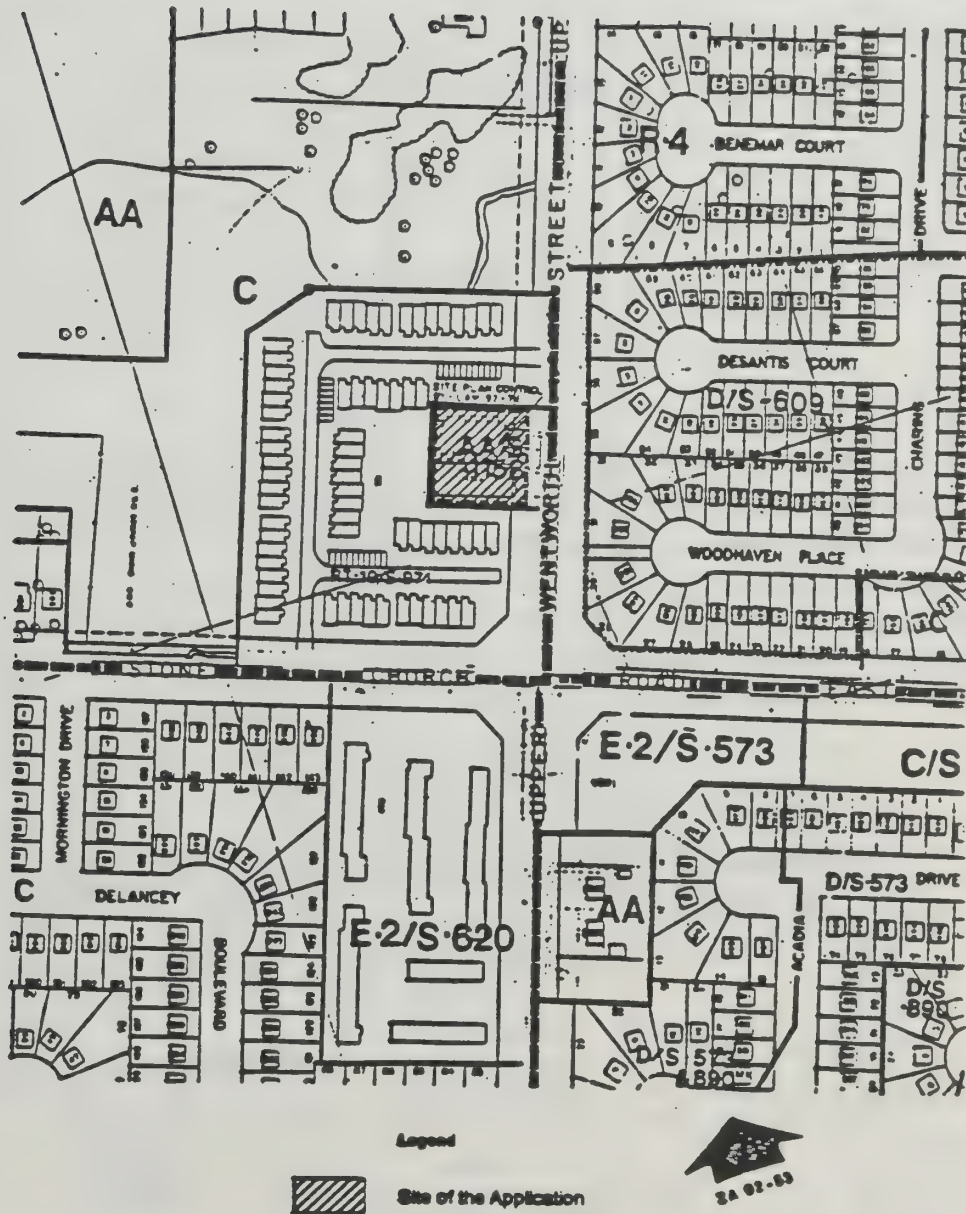
Legend



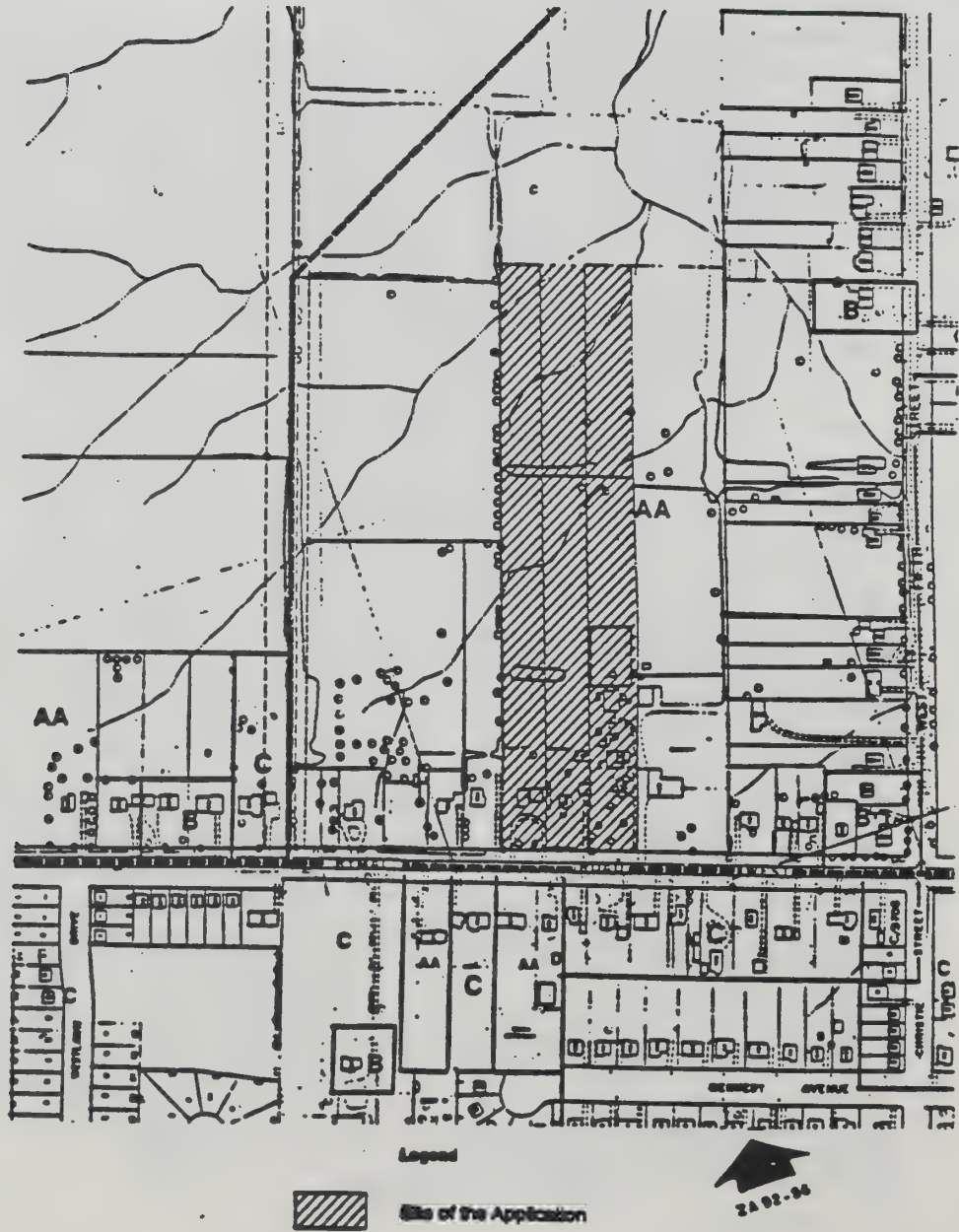
Site of the Application



Appendix "F" as referred to
in Section 8 of the Minutes
of The Planning and
Development Committee
Meeting held 1993 March 24



Appendix "G" as referred
in Section 9 of the
Minutes of The Planning
and Development Committee
Meeting held 1993 March 24



B.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1993 March 22

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. T. Bradley
Manager of Purchasing

SUBJECT: Consulting Services for Revitalization of Ferguson Avenue

RECEIVED

MAR 22 1993

CITY CLERKS

RECOMMENDATION:

That a purchase order be issued to Johnson, Sustronk, Weinstein & Associates, Richmond Hill, in the amount of \$59,517.78 including all taxes, for consulting services to prepare a master plan, detailed concept plans and cost estimates for the revitalization of Ferguson Avenue, being the lowest acceptable of five proposals received in accordance with the Request for Proposal issued by the Manager of Purchasing and Vendor's submission, and be financed through Ferguson Avenue Phase IV, Downtown Action Plan, Administration Account No. CF5698 428803006.


T. Bradley, Manager of Purchasing

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Proposal Analysis

The Landplan Collaborative, Guelph	\$46,678.75
Johnson, Sustronk, Weinstein & Associates, Richmond Hill	59,517.78
Juris E. Berzins & John Mokrycke, Hamilton	59,920.00
Hough Stansbury Woodland Ltd., Etobicoke	59,986.00
Berridge Lewinberg Greenberg Ltd., Toronto	60,000.00

The lowest bidder did not meet all of the requirements of the Terms of Reference, and, through the interview process with a Selection Committee of both citizens and technical staff, was disqualified.

Ca)

CITY OF HAMILTON
- RECOMMENDATION -

DATE: March 30, 1993

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
36 PEARL STREET NORTH - Tag Number 88773
(93.1.1.A)

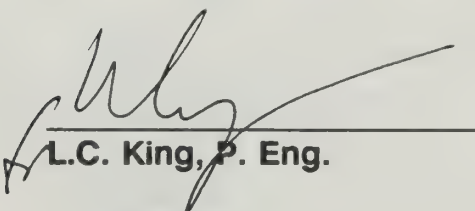
RECEIVED

MAR 30 1993

CITY CLERKS

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for **36 PEARL STREET NORTH.**



L.C. King, P. Eng.

LCK/EB/zr

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: "D" Residential

PRESENT USE: Single Family Dwelling

PROPOSED USE: Vacant Land

BRIEF DESCRIPTION: 2½ storey brick dwelling

The owner wishes to demolish the empty house which they have owned for 2 years and is in very poor condition. No LACAC interest. Lot size 38.5' x 97'

The owner of the property as per the demolition permit is:

Hamilton Separate School Board
90 Mulberry Street
Hamilton, Ontario

Cb)

CITY OF HAMILTON
- RECOMMENDATION -

DATE: March 30, 1993

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
623 LIMERIDGE ROAD EAST - Tag Number 88771
(93.1.1.A)

RECEIVED

MAR 30 1993

CITY CLERKS

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for **623 LIMERIDGE ROAD EAST.**


L.C. King, P. Eng.

LCK/EB/zr

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: "C"

PRESENT USE: Single Family Dwelling

PROPOSED USE: Two (2) new single family dwellings

BRIEF DESCRIPTION: 1 storey aluminium siding house

The owner requests permission to demolish the existing house in order to subdivide the land and build two (2) new single family dwellings. No LACAC interest. This property is awaiting final approval from the Land Division Committee on Thursday April 1, 1993 to create two (2) 40' lots. The application number is H-27-93. Lot size 80' x 105'

The owner of the property as per the demolition permit is:

891183 Ontario Inc.
c/o Danko Homes
44 Elgar Avenue, Hamilton, Ontario

Da

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1993 March 30
P5-2-10

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: Authorization for a Public Meeting to consider an amendment to the approved Beasley Neighbourhood Plan for the requested closure of the southern portion of Cathcart Street.

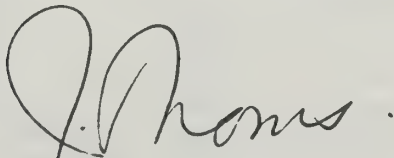
RECEIVED

MAR 31 1993

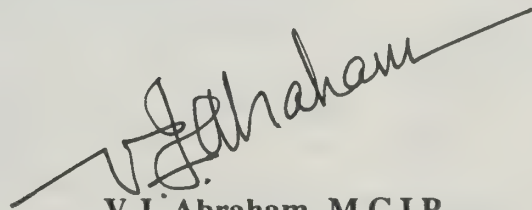
CITY CLERKS

RECOMMENDATION:

That the Planning and Development Committee give authorization to the Planning and Development Department to hold a Public Meeting to consider an amendment to the approved Beasley Neighbourhood Plan for the requested closure of Cathcart Street.



J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department



V.J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

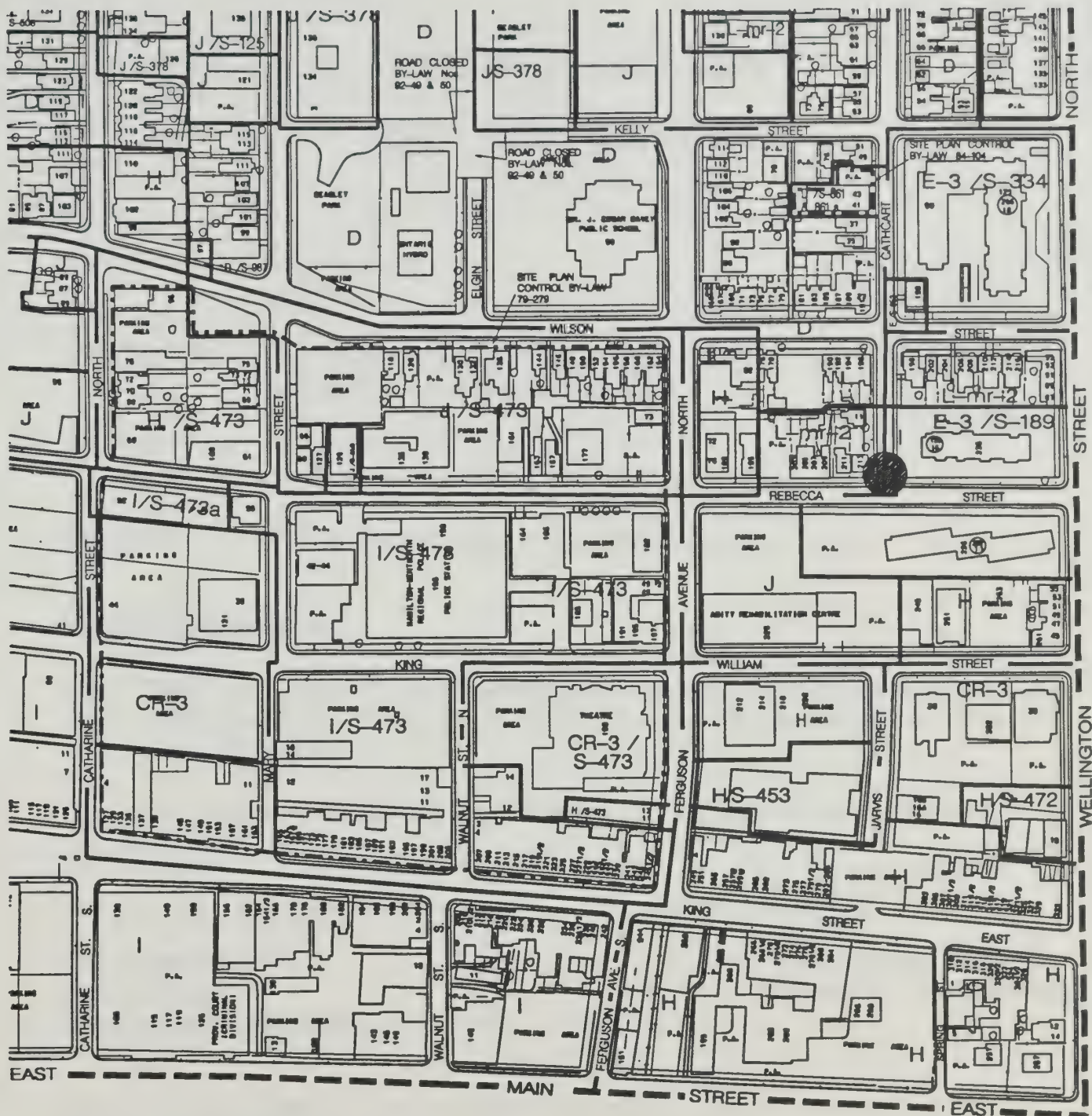
N/A

BACKGROUND:

As part of the implementation of the Central/Beasley P.R.I.D.E./H.INT. Community Improvement Plan, the consultant and the Citizen's Advisory Committee have requested an amendment to the approved Beasley Neighbourhood Plan to close the southern portion of Cathcart Street (see

APPENDIX "A"). The purpose of the closure would be to develop the area for a parkette. Prior to amending the neighbourhood plan, it would be appropriate to hold a Public Meeting to present the proposal for the parkette and obtain comments and submissions from affected residents.

MLT:mlt



PROPOSED ROAD CLOSURE FOR PARKETTE

CITY OF HAMILTON		
BEASLEY		
PLANNING UNIT NO.		PAGE NO.
6703		10

DB

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1993 March 30
(OP-HAL)

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: Draft of Halton Region's New Official Plan

RECEIVED

MAR 31 1993

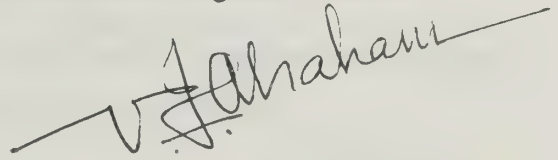
CITY CLERKS

RECOMMENDATIONS:

- A) That Council for the City of Hamilton has no objections to the policies in the draft "New Official Plan" for the Halton Region since it does not affect the planning intentions of the City of Hamilton.
- B) That the City Clerk forward City Council's decision to Halton Regional Council.



J.D. Thoms, M.C.I.P.,
Commissioner
Planning and Development



V.J. Abraham, M.C.I.P.,
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Purpose of the New Official Plan

The Planning Act requires municipalities to review their Official Plans once every five years. Halton Region's OP was prepared in the mid 1970's and approved by Council in 1978.

Since the 1970's, there have been significant changes in the way communities are planned; the increased pressure for development particularly in the urban areas - Milton,

Burlington, Acton, Oakville and Georgetown; and the establishment of new Provincial initiatives (i.e Wetland Policy Statement, Land Use Planning for Housing Policy Statement).

The purpose of the New Regional Plan is establish policies up to the year 2011 that reflect new planning philosophies, incorporates the new Provincial Policy Statements and deals with development pressures.

In addition, the Plan includes policies to provide direction on how to design more liveable, environmentally sound and efficient communities (healthy communities). As a result of public participation other ideas incorporated into Halton's Plan include:

- "• urban areas with locations called nodes where more compact and mixed use development will occur in the form of town centres;
- a Greenlands system combining and linking many natural areas with the waterfront and open space;
- a more efficient transportation system based on a higher level of transit service with busways and exclusive bus lanes on major arterial roads with objective of achieving a 20% modal split;
- streamlining of the planning and development process to provide for more certainty and cost efficiency for business decision making;
- strong economic development, fiscal management and growth management policies; and,
- infrastructure planning and management policies tied to development phasing."
- City of Hamilton Response

Since the Halton Region is contiguous to the City of Hamilton boundary, the municipality has been circulated for comments.

The lands directly abutting the City are intended to be designated "Greenlands" because to reflect the Royal Botanical Gardens and the area to the south of the RBG lands is designated "Urban Area" which reflects the developed area in Aldershot.

The policies affecting these two designations, as well as others contained in the Plan, do not have an impact on the planning intentions of the City of Hamilton.

CONCLUSION:

Based on the foregoing, the new Official Plan for the Halton Region does not affect the planning intentions of the City of Hamilton.

E.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1993 April 1

REPORT TO: Members of the Planning and Development Committee

FROM: Tina Agnello, Secretary
Planning and Development Committee

SUBJECT: INFORMATION ITEMS

RECOMMENDATION:

That the following Information Items, which have been previously forwarded to Members of the Committee under separate cover, be received for information purposes:

- (a) Commissioner of Planning and Development: South Mountain Development - Status dated 1993 April 1
- (b) Commissioner of Planning and Development: Site Plans for approval dated 1993 March 31.

T. Agnello

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: None



THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

Planning and Development Department
71 Main Street West, Hamilton, Ontario L8N 3T4
(416) 546-4221 Fax (416) 546-4202
TDD-546-2448

2
RECEIVED

MAR 09 1993

CITY CLERKS

Refer to File No.

SS-RE

Attention of

Your file No.

March 4, 1993

Mr. Bob Jugovic
47 Ottawa Street North
Hamilton, Ontario
L8H 3Y8

Dear Mr. Jugovic:

Re: Alpha East Enclave Program - No. 48 Imperial Street

Alderman Ross passed on your letter of February 9, 1993 to us for a reply. It is our understanding the Property Department has forwarded a detailed letter explaining the budget process addressing your questions (attached). Funding for the Alpha East Land Acquisition program has been deferred until 2001 but its status will be reviewed each year during the Capital Budget process.

For your information, in May, 1992, the City issued a demolition permit for 50 Imperial Street, at the request of the owner.

However, if you wish to appear as a delegation at the Planning and Development Committee to discuss your concerns, please contact Tina Agnello, Secretary of the Planning and Development Committee at 546-2729.

If you have any further questions, please call me at 546-4258 or Joanne Hickey-Evans at 546-4229.

Yours truly,

V. J. Abraham, M.C.I.P.
Director of Local Planning

cc. Alderman Don Ross
Ward 8

Alderman Don Drury
Chairman of the Planning and
Development Committee

Alderman Tom Jackson
Ward 6

Jim Thoms
Commissioner, Planning and Development

Tina Agnello
Secretary of the Planning and
Development Committee, City Clerks Dept.

Kevin Nutley
Property Department



THE CORPORATION OF THE CITY OF HAMILTON

City Hall, 71 Main Street West, Hamilton, Ontario L8N 3T4

**REAL ESTATE DIVISION
PROPERTY DEPARTMENT**

546-4505
File#: 92C-131

1993 February 17

Mr. Bob Jugovic
47 Ottawa Street North
Hamilton, Ontario
L8H 3Y8

Dear Mr. Jugovic:

Re: 48 Imperial Street, Hamilton

In response to our letter of February 5, 1993, please be advised that on December 8, 1992, City Council adopted Item #5 of the 21st Report of the Planning and Development Committee, approving a recommendation to purchase the remaining properties in the Alpha East Residential Enclave (Sherman Avenue North and Imperial Street), "when funding is available".

As you are aware, this recommendation was initiated as it became apparent that the funds in the existing Capital Budget Account for the acquisition of Enclave Lands would not be sufficient to complete the purchase of all the properties available in the Alpha East Enclave.

Also included in this December 8, 1992 recommendation was "that a new project submission form along with appropriate costs, be submitted to the Capital Budget-Subcommittee by the Planning Department as a new project for the 1993-2002 Provisional Capital Budget consideration".

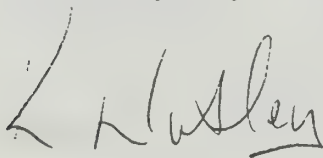
Pursuant to this recommendation, the Planning Department presented to the Capital Budget Committee a submission for funds to be made available for the completion of the acquisition of properties in the Alpha East Residential Enclave. The result of this submission was that funding for the project be deferred until the year 2001. (Please note that although this funding has currently been set for the year 2001, it is subject to further change in the Capital Budget process).

Subsequently, there will be no further negotiations for the acquisition of properties in the Alpha East Residential Enclave until this funding is made available.

1993 February 17
Bob Jugovi
Page 2

I sincerely regret the fact that this funding difficulty has occurred and apologize for any inconvenience it may have caused.

Yours very truly,

A handwritten signature in dark ink, appearing to read "Kevin Nutley". The signature is written in a cursive style with a large initial "K" and a distinct "Nutley" at the end.

Kevin Nutley
SENIOR PROPERTY OFFICER/APPRaiser
REAL ESTATE DIVISION

KN/mlr

CITY OF HAMILTON

- RECOMMENDATION -

3.

DATE: 1993 March 25
Bruleville Neighbourhood
ZAR-93-11

RECEIVED

MAR 30 1993

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

CITY CLERKS

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: Request for removal of the 'H' (Holding) Symbol - No. 860 Upper
Wentworth Street.

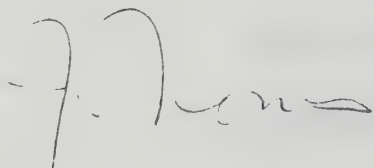
RECOMMENDATION:

That approval be given to Zoning Application 93-11, Rolanco Networking, owner, requesting removal of the 'H' (Holding) symbol provision under Section 36 of the Planning Act, to permit conversion of the existing building for a dental office having a maximum gross floor area of 95.0 m² (1,000 sq. ft.) on the first floor only, and one dwelling unit on the second floor only, and that the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593, as amended by By-law 92-305, and Zoning District Map E-18 for presentation to City Council, for lands located at No. 860 Upper Wentworth Street, as shown on the attached map marked as Appendix "A".

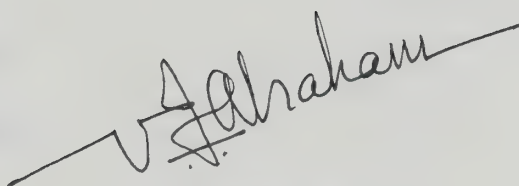
EXPLANATORY NOTE:

The purpose of this By-law is to remove the 'H' (Holding) symbol, for the lands located at No. 860 Upper Wentworth Street, as shown on the attached map marked as Appendix "A". The 'H' (Holding) provision was placed on the lands until such time as the applicant/owner has applied for and received approval of a Site Plan. In this regard, a Site Plan was submitted and has been approved by the City.

The effect of the By-law is to permit conversion of the existing building for a dental office having a maximum gross floor area of 95.0 m² (1,000 sq. ft.) on the first floor only, and one dwelling unit on the second floor only, in accordance with the special provisions set out under By-law No. 92-305.



J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department



V.J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- By-law 92-305

On December 8, 1992, City Council passed By-law 92-305 which rezoned the subject lands from "AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District to "C" - 'H' (Urban Protected Residential, etc. - Holding) District, modified to permit conversion of the existing building for a dental office having a maximum gross floor area of 95.0 m² (1,000 sq. ft.), on the first floor only, and one dwelling unit on the second floor only. The 'H' (Holding) symbol was placed on the lands until such time as the applicant/owner has applied for and received approval of a Site Plan.

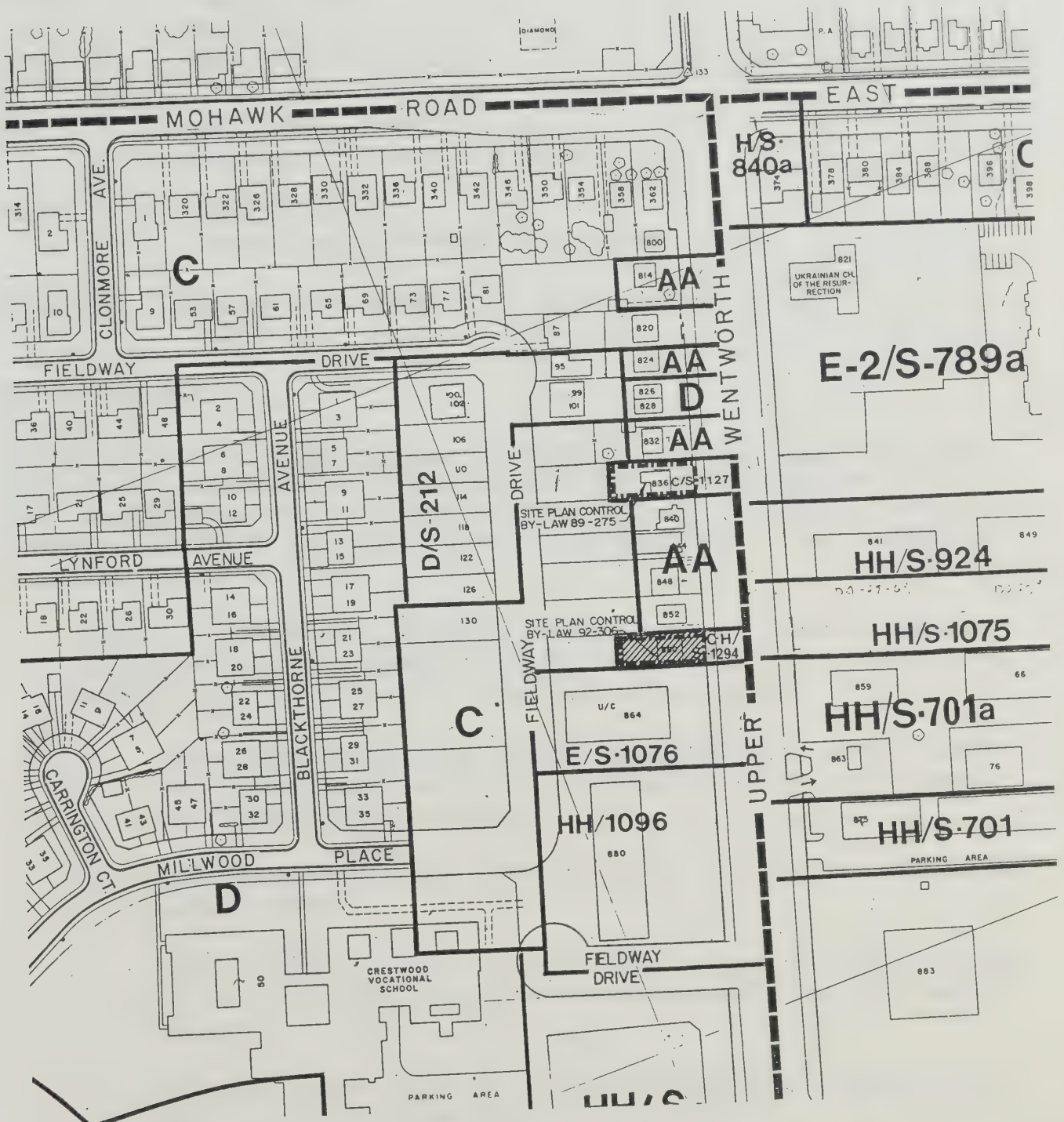
- Site Plan Application (DA-92-59)

On March 10, 1993, plans and drawings were approved under Site Plan Control Application DA-92-59, subject to various conditions. On March 22, 1993, the conditions of approval were completed.

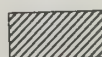
CONCLUSION:

On the basis that a Site Plan has been approved by the City, it is appropriate to remove the 'H' (Holding) symbol from the above noted property.

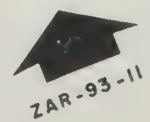
GAW/
WPZA9311



Legend



Site of the Application



APPENDIX A

4.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: March 31, 1993
ZA-91-59
Central Neighbourhood

RECEIVED

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

APR 01 1993

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

CITY CLERKS

SUBJECT: Request for a modification in Zoning - No. 29 Severn Street.

RECOMMENDATION:

That approval be given to amended Zoning Application 91-59, Leo Cascioli, owner, requesting a modification to the established "H" (Community Shopping and Commercial, etc.) District, to permit the development of the subject lands for a four (4) storey, 6 unit multiple dwelling, for the property located at 29 Severn Street, as shown on the attached map marked as APPENDIX "A", on the following basis:

- i) That the "H" (Community Shopping and Commercial, etc.) District regulations as contained in Section 14 of Zoning By-Law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:
1. That notwithstanding Section 14.(1) of Zoning By-law No. 6593, a multiple dwelling consisting of three (3) class A dwelling units and three (3) housekeeping dwelling units shall be permitted;
 2. That Section 14.(3)(ii)(a) of Zoning By-law No. 6593 shall not apply to the northerly lot line;
 3. That notwithstanding Section 14.(3)(ii)(a) of Zoning By-law No. 6593, a side yard of a width of at least 1.2 m shall be provided and maintained along the southerly lot line;
 4. That notwithstanding Section 14.(3)(iii)(a) of Zoning By-law No. 6593, a rear yard depth of at least 6.2 m shall be provided and maintained;
 5. That notwithstanding Section 18A (1) of Zoning By-law No. 6593, not less than three (3) parking spaces shall be provided and maintained on the lot;
 6. That Section 18A (1)(c) of Zoning By-law No. 6593 shall not apply; and,
 7. That a landscaped area of not less than 25% of the lot area shall be provided and maintained at grade;

- ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map W-3 be notated S- ;
- iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-3 for presentation to City Council; and,
- iv) That the proposed modification in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE:

The purpose of the By-law is to provide for a modification to the established "H" (Community Shopping and Commercial, etc.) District zoning regulations, for the property located at 29 Severn Street, as shown on the attached map.

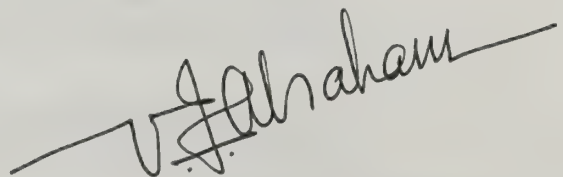
The effect of the By-law is to permit the development of a four (4) storey multiple dwelling consisting of three (3) class A dwelling units and three (3) housekeeping dwelling units.

In addition, the By-law provides for the following variances as special requirements:

- Eliminates the side yard requirement along the northerly lot line, whereas 2.7 m is required;
- Permits a 1.2 m minimum side yard along the southerly lot line, whereas 2.7 m is required;
- Permits a 6.2 m minimum rear yard depth, whereas 7.5 m is required;
- Permits a minimum of three (3) parking spaces, whereas six (6) parking spaces are required;
- Eliminates the required loading space; and,
- Requires a minimum landscaped area of 25 % of the lot at grade.



J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department



V.J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

The application as amended is for a four (4) storey multiple dwelling consisting of three (3) class A dwelling units and three (3) housekeeping dwelling units. The existing building will be demolished (see Appendix "B").

For the information of the Committee, the application was originally scheduled for a Public Meeting on Wednesday, February 5, 1992. However, at the request of the applicant the application was rescheduled in order to resolve concerns of the Traffic Department.

LOT SIZE AND AREA:

- 12.19 m (40.0 ft.) of lot frontage on Severn Street;
- 22.67 m (74.4 ft.+/-) of lot depth; and,
- 249.15 m² (2682.0 sq.ft.) of lot area.

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Vacant Building	"H" (Community Shopping and Commercial, etc.) District
<u>Surrounding Lands</u>		
to the north	Residential	"H" (Community Shopping and Commercial, etc.) District
to the south	Commercial and Residential	"H" (Community Shopping and Commercial, etc.) District
to the east	Commercial and Residential	"H" (Community Shopping and Commercial, etc.) District
to the west	Residential	"D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District

OFFICIAL PLAN:

The subject lands are designated **Central Policy Area** on Schedule A - Land Use Concept of the Official Plan. The following policies should be noted:

- "2.8.1 To promote the CENTRAL POLICY AREA as a multi-use node for both the City and the Region, a wide range of uses will be permitted where compatibility among adjacent uses can be achieved. The primary uses permitted in the CENTRAL POLICY AREA, as shown on Schedule "A", will be for the following uses:
 - ii) Residential Uses of various types, including, but not limited to, single-family detached, semi-detached, row and apartment housing, and in keeping with the Residential policies set out primarily in Subsection A.2.9.3, as well as in Subsections A.2.1 and C.7;
- 2.8.2 The location of uses permitted within the CENTRAL POLICY AREA will be identified and detailed through the preparation of a Neighbourhood Plan.
- A.2.1.14 In evaluating the merits of any proposal for multiple-family *RESIDENTIAL* development, Council will be satisfied that the following considerations are met:
 - i) The height, bulk and arrangement of buildings and structures will achieve harmonious design and integrate with the surrounding areas; and,
 - ii) Appropriate open space, including landscaping and buffering, will be provided to maximize the privacy of residents and minimize the impact on adjacent lower-density uses.
- C.7.1 In the development of new *RESIDENTIAL* areas and, as far as practicable, in the infilling or redevelopment of established areas, Council may undertake or require the following in order to achieve high standards of *RESIDENTIAL* amenity:
 - i) Provision and maintenance of adequate off-street parking;
- C.7.2 Varieties of *RESIDENTIAL* types will not be mixed indiscriminately, but will be arranged in a gradation so that higher-density developments will complement those of a lower density, with sufficient spacing to maintain privacy, amenity and value."

The subject lands are also located within **SPECIAL POLICY AREA 3**. Consequently, the following policies also apply:

- "2.9.3.1 The future viability and health of the Central Policy Area will be largely dependent on the quality and suitability of Residential opportunities in close proximity to the downtown. Accordingly, the following policies to promote and protect housing within the area shown as SPECIAL POLICY AREA 3 on Schedule "B" will apply in addition to all the Residential policies of Subsections A.2.1 and C.7, and Policy A.2.8.1(ii); (O.P.A. No. 27)

- i) It is the intent of Council to strengthen the Residential function of this AREA to complement the multi-use nature of the Central Policy Area, to foster a wider choice in housing opportunities for all residents of the City, and to increase the resident population;
- ii) Further to the above, a wide variety of densities, unit sizes, building styles, incomes and household groups will be accommodated. Housing suitable for families, the physically disabled, and senior citizens will be particularly encouraged;
- v) It is intended that Residential development or redevelopment be at a scale, density and bulk compatible with the established character of the surrounding uses;"

The proposal does not conflict with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

The lands are designated "**COMMERCIAL**" on the approved Central Neighbourhood Plan. The proposal does not conflict with the intent of the Plan. Furthermore, the Neighbourhood Plan is currently under review and the future use of the lands surrounding Severn Street will be addressed.

RESULTS OF CIRCULARIZATION:

- The following agencies have reviewed the proposal and have no objection:
 - Hamilton Region Conservation Authority; and,
 - Union Gas.
- The Roads Department has advised that:

"There are public watermains and combined storm and sanitary sewers available to service these lands. Any works which may occur within the Severn Street road allowance must conform to the City's Street By-law. According to plans from our files, the existing building at No. 29 Severn Street encroaches into the road allowance. If the existing building is to be retained, we recommend that as a condition of approval that the owner enter into an encroachment agreement with the City.

With respect to the site plan submitted with the application, we recommend that the applicant provide 5m x 5m daylight triangles between the access and the property line wherein the height of objects, vegetation etc. is not to exceed 0.60 m in height above the centerline of Severn Street. Due to the nature of Severn Street, we will consider reducing these triangles to 3 m x 3 m should the requirement of 5 m triangles be too onerous on the owner. This daylight triangle is also required between the building and the adjacent driveway to the north.

The grade of the access within the road allowance is not to exceed 3% and 5% for the first 7.5 m on private property.

More detailed comments will be made at such time as site, grading and landscape plans are submitted for our review and approval."

- The Traffic Department has advised that:

"On-street parking on Severn Street is presently at a premium. We prefer that the parking requirements of the Zoning By-law be provided on-site as part of the proposed new development. However, we would not be opposed to allowing only three parking spaces to be provided.

The applicant should be advised that parking on Severn Street is restricted to permit parking holders only and that residents of the building will not be eligible for parking permits. Potential renters should be advised of this restriction prior to rental of the building."

- The Building Department has advised:

- "1. A multiple dwelling is not permitted.
2. A multiple dwelling is a building containing four (4) or more self contained Class A dwelling.
3. This proposal contains three (3) Class A dwelling units and three (3) Housekeeping dwelling units which is not a multiple dwelling.
4. This proposal shall require six (6) parking spaces and one (1) 3.7 m x 9.0 m x 4.3 m loading space.
5. This property is located in and may be subject to Site Plan Control By-law 90-285."

COMMENTS:

1. The proposal does not conflict with the intent of the Official Plan and the Neighbourhood Plan.
2. The proposal has merit and can be supported for the following reasons:
 - i) it is an infill housing project in the Central Area which will contribute to a desirable housing mix within close proximity to shopping facilities, public transit, medical facilities, and other amenities;
 - ii) it will increase the supply of affordable housing; and,
 - iii) the proposed development will integrate and be sensitive to the adjoining residential/commercial development in terms of height, bulk, and arrangement.

3. Based upon a preliminary site plan (see Appendix "B"), approval of the application would require the following variances:

Yards

The side yard setback will be eliminated along the northerly lot line whereas 2.7 m is required.

The existing three (3) storey structure is built up to the northerly lot line and abuts an existing access driveway which provides access to the commercial uses fronting James Street North. Thus, the proposed yard is no less feasible than the current situation.

A side yard width of 1.2 m minimum has been proposed along the southerly lot line whereas 2.7 m is required. The existing structure is built up to the southerly lot line, thus the proposed yard is an improvement over the existing situation. Furthermore, a 1.2 m side yard will provide sufficient width for pedestrian access to the proposed open space/amenity area at the rear of the building.

A 6.2 m minimum rear yard depth has been proposed whereas a 7.5 m depth is required along the entire lot line. The existing building is approximately 1.2 m from the lot line at this point. The proposed yard is greater and it is intended to be utilized as open space/amenity area for the residential development.

Parking and Loading

Three (3) parking spaces will be provided on site whereas the By-law requires six (6) parking spaces (i.e. 1.0 spaces x 6 units).

No loading space will be provided on site whereas the By-law requires one (1) at 3.7 m x 9.0 m x 4.3 m minimum.

Given the location and nature of the proposal, the Traffic Department has advised they support the variances with respect to reduced parking and elimination of the required loading space.

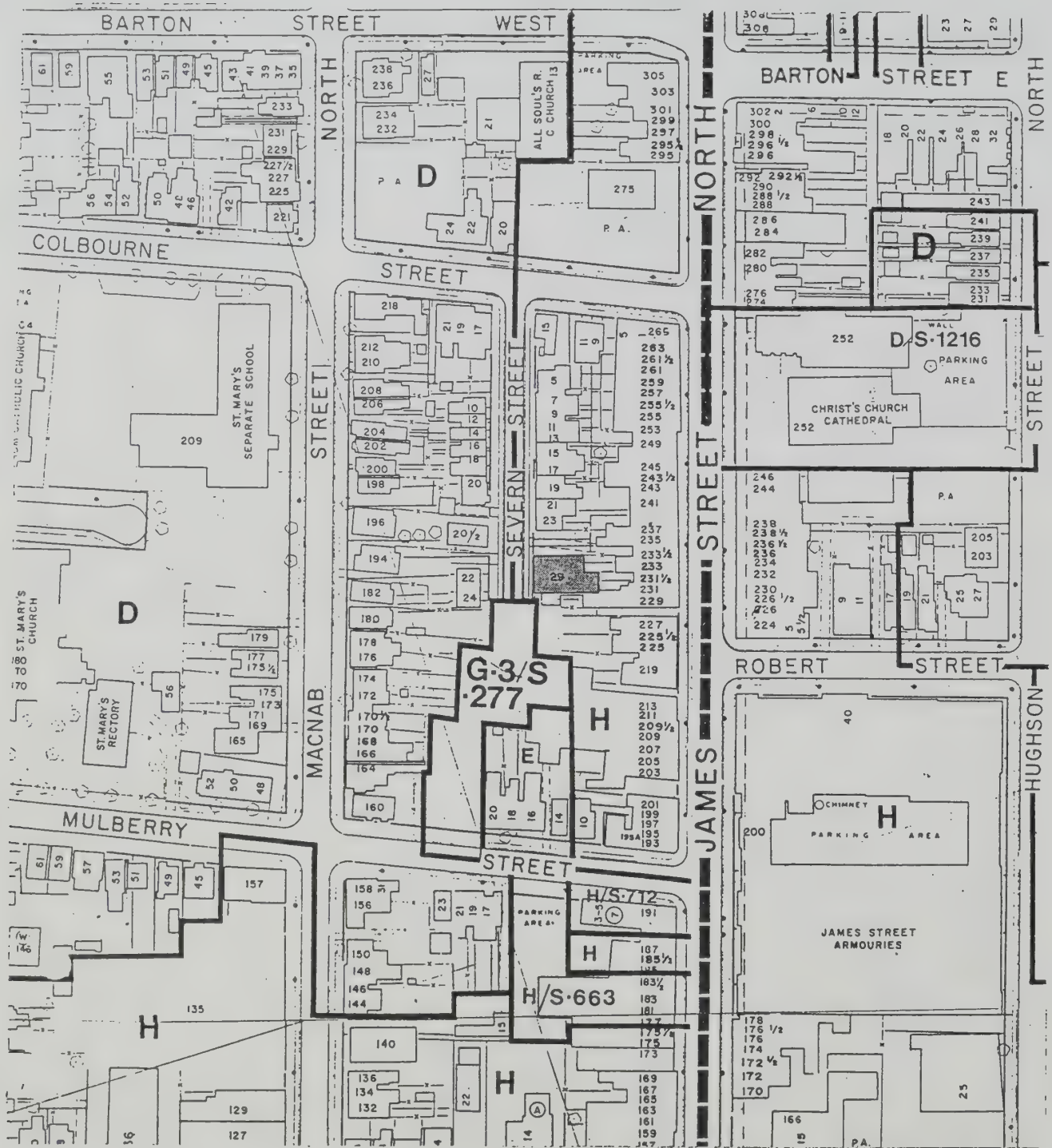
Landscape Area

The preliminary Site Plan indicates that a minimum 64.15 m² (25.75%) of landscape area will be provided at grade. The "H" zoning district does not have a requirement for landscaped area. Accordingly, it would be appropriate to require the landscape area as proposed.

4. It should be noted that the property is subject to Site Plan Control By-law 90-285. The applicant will be required to submit a Site Plan Control Application at which time matters related to access, parking layout, fencing, landscaping etc. will be addressed.

CONCLUSION:

Based on the foregoing, the proposal can be supported.



5.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1993 March 25
Randall Neighbourhood
ZAC-93-04

RECEIVED

MAR 30 1993

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

CITY CLERKS

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: Request for a change in zoning - vacant lands located south
of Rexford Drive and east of Ardleigh Street.

RECOMMENDATION:

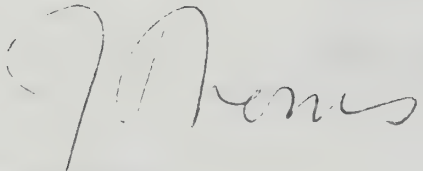
That approval be given to Zoning Application 93-04, Highridge Developments (Hamilton) Ltd., owner, for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, to permit development of the subject lands in conjunction with adjacent lands to the north for four (4) single-family dwelling lots fronting onto Rexford Drive, for property located south of Rexford Drive and east of Ardleigh Street, as shown on the attached map, marked as Appendix "A", on the following basis:

- i) That the subject lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
- ii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-38C for presentation to City Council; and
- iii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

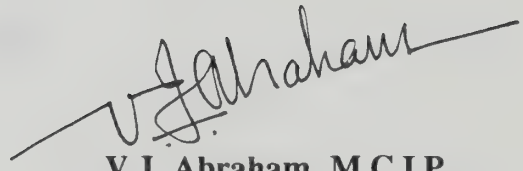
EXPLANATORY NOTE:

The purpose of the By-law is to provide for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for property located south of Rexford Drive and east of Ardleigh Street, as shown on the attached map marked as Appendix "A".

The effect of the By-law is to permit development of the subject lands, in conjunction with adjacent lands to the north, for four (4) single-family dwellings fronting onto Rexford Drive.



J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department



V.J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

The purpose of the proposed change in zoning is to permit development of the subject lands, in conjunction with adjacent lands to the north, for four (4) single-family dwelling lots fronting onto Rexford Drive (see Appendix "B").

- Agreement of Purchase and Sale

At its meeting held on January 12, 1993, City Council adopted Item 15 of the First Report of the Finance and Administration Committee accepting an offer from the applicant dated October 8, 1992, to purchase the subject lands from the City. The offer to purchase is conditional upon, among other things, submission of a rezoning application for a change in zoning from "AA" to "C", consent to sever the lands for their intended purpose, and final approval of the by-law and the proposed land severances.

- Land Severance Applications

On March 2, 1993, the Regional Land Division Committee considered and approved Land Severance Applications H-25-93 and H-26-93 to convey two parcels of land each having frontages of 13.011m and 13.988m and lot areas of 438.0m² and 424.0m² respectively, for residential purposes, and to retain the balance of the holdings being irregular in shape having frontages of 14.156m and 13.762m and lot areas of 432.0m² and 424.0m² respectively, for residential purposes (see Appendix "B"). One of the conditions of approval of the land severances is that the lands be appropriately rezoned to permit the proposed residential uses.

APPLICANT:

Highridge Developments (Hamilton) Ltd., prospective owner.

LOT SIZE AND AREA:

An irregular shaped parcel of vacant land located in the area south of Rexford Drive and east of Ardleigh Street having;

- 54.639 m (174.438 ft.) of lot width;
- an average lot depth of 23.913 m (78.454 ft.); and
- 1,399.90 m² (15,068.93 sq.ft.) of lot area.

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	vacant	"AA" (Agricultural) District
<u>Surrounding Lands</u>		
to the north	vacant land and single-family dwellings	"C" (Urban Protected Residential, etc.) District
to the south and west	vacant	"AA" (Agricultural) District and "H" (Community Shopping and Commercial, etc.) District, modified
to the east	single-family dwellings	"R-4" (Small Lot Single-Family Detached) District

OFFICIAL PLAN:

The subject lands are designated "RESIDENTIAL" on Schedule "A" - Land Use Concept of the Official Plan. The following policies, among others, would apply:

- "2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.

- 2.1.8 It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2.
- C.7.1 In the development of new RESIDENTIAL areas and, as far as practicable, in the infilling or redevelopment of established areas, Council may undertake or require the following in order to achieve high standards of RESIDENTIAL amenity:
- i) Provision and maintenance of adequate off-street parking;"

The proposal complies with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

The subject lands are designated "SINGLE AND DOUBLE RESIDENTIAL" on the approved Randall Neighbourhood Plan. The proposal complies.

COMMENTS RECEIVED:

- The Building Department, Traffic Department and the Hamilton Region Conservation Authority have no comments or objections.
- The Roads Department has advised that:

"There are public watermains and separate storm and sanitary sewers available to service these lands.

Rexford Drive and a portion of Ardleigh Street have been established at 20 m by Registered Plan 62M-603. Lands to be rezoned also have frontage on the future extension of Ardleigh Street which has not been established or constructed to date. Therefore we recommend that as a condition of approval that all servicing costs by the City and the Region be acquired at this time adjacent to the future extension of Ardleigh Street.

In conjunction with this application, the applicant has also submitted Land Severance Applications H-25-93 and H-26-93 for approval.

Any works which may occur within the adjacent road allowances must conform to the City of Hamilton Streets By-law."

COMMENTS:

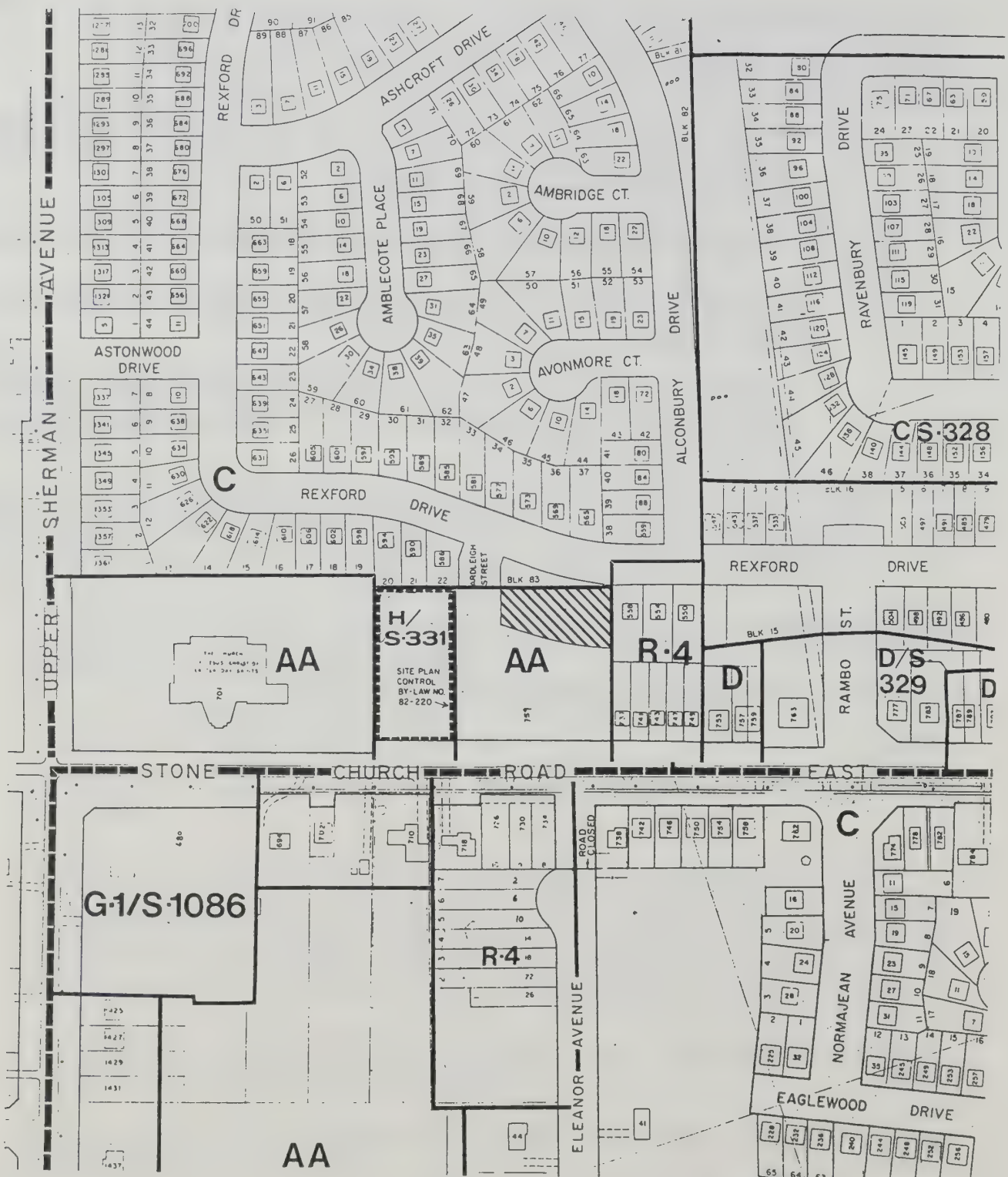
1. The proposal complies with the intent of the Official Plan.

2. The proposal complies with the intent of the approved Rushdale Neighbourhood Plan.
3. The proposal has merit and can be supported for the following reasons:
 - it complies with the intent of both the Official Plan and the approved Rushdale Neighbourhood Plan which designate the lands "RESIDENTIAL" and "SINGLE and DOUBLE RESIDENTIAL" respectively;
 - it would be compatible with existing and future planned development in this area;
 - it will establish uniform "C" (Urban Protected Residential, etc.) District zoning for these properties which will front onto Rexford Drive; and
 - it implements the condition of approval of the land severance applications by the Regional Land Division Committee requiring the rezoning of the subject lands to an appropriate residential zone.
4. For the information of the Planning and Development Committee, matters concerning outstanding servicing costs, etc. will be dealt with through a modified subdivision agreement as a condition of land severance approval.

CONCLUSION:

On the basis of the foregoing, the application can be supported.

GAW/
ZA9304



Legend



Site of the Application

ZAC 93-04

APPENDIX A

I REQUIRE T
REGISTERED
LAND TITLES
DATE

PART	1	2	3	4	5	6	7
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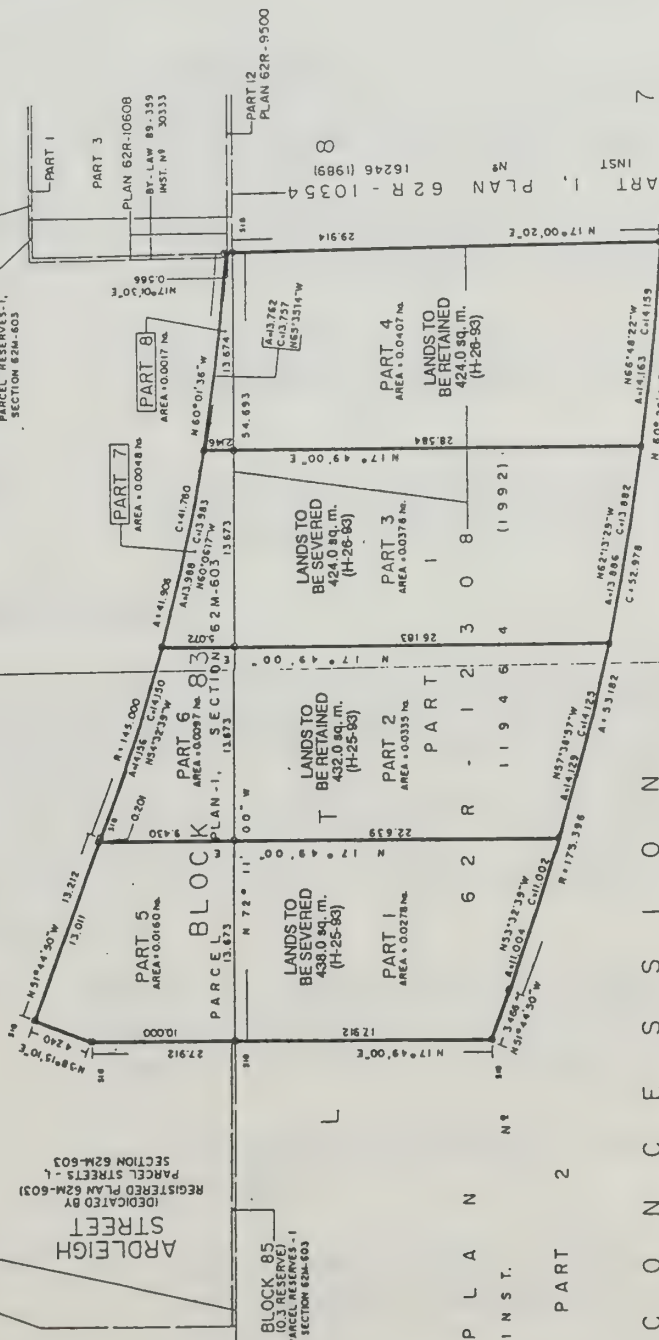
J.D.B.

Drawn by R.D.

62M-603

REGISTERED PLAN

REXFORD DRIVE
INDICATED BY REGISTERED PLAN 62M-603
PARCEL STREETS - L SECTION 62M-603



File No.: H-25-93
H-26-93
Date: February 2, 1993
Scale: None

6.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1993 March 31
ZA-92-54
Ainslie Wood West Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

RECEIVED

APR 01 1993

CITY CLERKS

SUBJECT: Request for modification to the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District - 1854-1856 and 1868 Main Street West

RECOMMENDATION:

1. That approval be given to amended Zoning Application 92-54, Max Mintz, owner, requesting a modification to the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations for Block "1", and a further modification to the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations for Block "2", to permit an additional six dwelling units, for properties known as 1854-1856 and 1868 Main Street West, shown as Blocks "1" and "2" on the attached map marked as APPENDIX "A", on the following basis:
 - i) That the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations as contained in Section 11 of Zoning By-law No. 6593, applicable to Block "1", be modified to include the following variances as special requirements:
 - a) Notwithstanding Section 11, a maximum of 153 dwellings units shall be permitted;
 - b) Notwithstanding Section 18A(1)(a), a minimum of 160 parking spaces shall be provided and maintained on-site;
 - c) Section 18A(1)(c) shall not apply; and,
 - d) Subsection 18A (11) and (12) shall not apply to the southerly boundary of the rear parking area;

- ii) That the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations as contained in Section 11 of Zoning By-law No. 6593, as amended by By-law No. 10564, applicable to Block "2", be further modified to include the following variances as special requirements:
 - a) Notwithstanding Section 11, a maximum of 134 dwelling units shall be permitted;
 - b) Notwithstanding Section 18A(1), a minimum of 135 parking spaces shall be provided and maintained on-site and an additional 5 required parking spaces shall be provided and maintained off-site located on Block "1"; and,
 - c) Section 18A(1)(c) shall not apply.
 - iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-4a, and that the subject lands on Zoning District Map W-51 be notated S-4a;
 - iv) That the City Solicitor be directed to prepare a by-law to amend Zoning By-law No. 6593 and Zoning District Map W-51 for presentation to Council;
 - v) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.
2. That the by-law not be forwarded for passage by Council until such time as the applicant has applied for and received approval of a Site Plan showing the existing and proposed parking layout, as well as the establishment of an access right-of-way to the parking spaces at 1854 and 1856 Main Street West exclusively for the residents of 1868 Main Street West.

EXPLANATORY NOTE:

The purpose of the By-law is to provide for a modification to the "E" (Multiple Dwellings, Lodges, etc.) District regulations for Block "1" and a further modification to the "E" (Multiple Dwellings, Lodges, etc.) District regulations for Block "2" for lands at 1854-1856 and 1868 Main Street West, as shown on the attached map marked as APPENDIX "A".

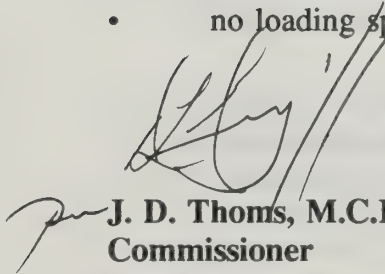
The effect of the by-law is to permit an increase in the number of dwelling units within the existing buildings as follows: Block "1" - 1854-1856 Main Street West from 83 units to 85 units; and Block "2" - 1868 Main Street West from 130 units to 134 units. In addition, the by-law provides for the following modifications as special requirements:

Block "1"

- a maximum of 153 dwellings units shall be permitted;
- a minimum of 160 parking spaces shall be provided on-site;
- no loading spaces shall be provided; and,
- a 1.5 m planting strip and visual barrier shall not be required for the parking area adjacent to the southerly lot line;

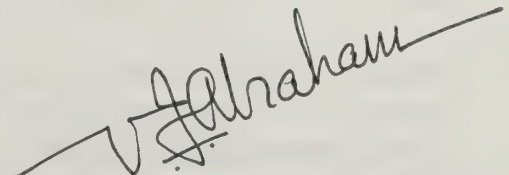
Block "2"

- a maximum of 134 dwelling units shall be permitted;
- a minimum of 135 parking spaces shall be provided on-site and a further five of the required parking spaces shall be provided off-site on Block "1"; and,
- no loading spaces shall be provided.



J. D. Thoms, M.C.I.P.
Commissioner

Planning and Development Department



V. J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

The applicant is proposing to increase the number of units within the existing apartment buildings as follows:

- Block 1 - 1854-1856 Main Street West from 83 units to 85 units for a site total of 153 units (including 1856 Main Street West); and,
- Block 2 - 1868 Main Street West from 130 to 134 units;

for a total increase of 6 units (from 281 units to 287 units). It is the applicant's intent to convert existing storage/locker space to provide for these additional units. The locker/storage space is to be relocated within the respective buildings. Eleven new parking spaces are proposed to the rear of 1854 and 1856 Main Street West (see APPENDIX "B" attached) to accommodate parking for the 6 new units (required parking is 6×1.25 spaces/unit = 7.5).

- Committee of Adjustment Applications A-92:181 and A-92:182

The Committee of Adjustment, on September 2, 1992, denied two applications on these lands requesting the same increase in the number of units as the subject proposal, and included 10 additional parking spaces. The Committee of Adjustment application noted the following variances:

- Block 1 - 1854 Main Street West - 155 parking spaces instead of 192 required; 2 required loading spaces not provided; and, 12 parking spaces with lengths of 5.94 m instead of 6.0 m, and manoeuvring space depth of 5.94 instead of 6.0 m; and,
- Block 2 - 1868 Main Street West - 143 parking spaces provided instead of 168 required; 10 of the parking spaces provided off-site; no provision on-site for 2 loading spaces; and, the existing site landscape area will be maintained.

The applications were denied on the basis that:

- the deficiency in parking was substantial and contrary to the intent of the present by-law standards;
- the requested relief was not of a minor nature; and,
- the relief was undesirable for the appropriate development of the land and building, and is inconsistent with the general intent and purpose of the By-law and Official Plan.

This Department did not support these applications on the basis that there appeared to be an existing parking problem and approval of the additional units would further aggravate the existing situation. It was noted that this was a traffic related matter and the comments from the Traffic Department should be considered prior to making a final decision.

- Committee of Adjustment Application A-91-31

On March 13, 1991, the Committee of Adjustment granted an application to permit alterations to the building at 1856 Main Street West to provide for two additional dwelling units (66 to 68) with a new site total (including 1854 Main Street West) of 151 units with variances for:

- 155 parking spaces instead of 189 parking spaces required;
- 2 required loading parking spaces will not be provided on-site;
- 12 parking spaces will have lengths of 5.94 m (19.5 ') instead of 6.0 m (19.69 ') and manoeuvring space of 5.94 m (19.5 ') instead of 6.0 m (19.69 ').

The relief granted replaced the relief previously granted for 1854 Main Street West in 1989.

The Planning Department did not support the application.

- Committee of Adjustment Application No. A-89-46

On March 8, 1989, the Committee of Adjustment granted an application for 1854 Main Street West to increase the number of units from 83 to 85 with the following variances:

- 151 parking spaces provided instead of 173; and,
- no loading space provided upon the lands.

The Planning Department was "not opposed to the relief requested, however, the comments of the Traffic Department should be taken into consideration before a final decision is reached."

APPLICANT:

Max Mintz, owner.

LOT SIZE AND AREA:

The subject lands have:

- a lot frontage of 92.54 metres (320 feet) on Main Street West;
- an maximum depth of 185.68 metres (609.2 feet); and,
- a lot area of approximately 1.89 ha (4.9 acres).

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Three high rise apartment buildings	"E" (Multiple Dwellings, Lodges, etc.) District and "E" (Multiple Dwellings, Lodges, etc.) District modified
<u>Surrounding Lands</u>		
to the north	Food store and apartments	"H" (Community Shopping and Commercial, etc.) District and "E" (Multiple Dwellings, Lodges, etc.) District
to the east	Cemetery (White Chapel)	"B-1" (Suburban Agricultural and Residential, etc.) District
to the south	Motel	"H" (Community Shopping and Commercial, etc.) District
to the west	Vacant (valley lands)	"A" (Conservation, Open Space, Park and Recreation) District

OFFICIAL PLAN:

The subject lands are designated "Residential" (fronting onto Main Street West) and "Open Space" (to the rear) on Schedule "A" - Land Use Concept of the Official Plan. The following policies are noted:

- "A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.

- A.2.1.8 It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2.

- A.2.1.14 In evaluating the merits of any proposal for multiple-family RESIDENTIAL development, Council will be satisfied that the following considerations are met:
 - i) The height, bulk and arrangement of buildings and structures will achieve harmonious design and integrate with the surrounding areas; and,
 - ii) Appropriate open space, including landscaping and buffering, will be provided to maximize the privacy of residents and minimize the impact on adjacent lower-density uses.

- A.2.4.1 The primary uses permitted in the areas exceeding .4 hectare designated on Schedule "A" as OPEN SPACE will include developed or undeveloped parks of local or area wide appeal; public or private recreation areas; pedestrian pathways; conservation uses, horticultural nurseries, forestry and wildlife management areas; and hazard lands which may pose a threat to life and property because of inherent physiographic characteristics (in accordance with the Hazard Lands provisions of Subsection A.3.1 of this Plan).

- C.7.1 In the development of new RESIDENTIAL areas and, as far as practicable, in the infilling or redevelopment of established areas, Council may undertake or require the following in order to achieve high standards of RESIDENTIAL amenity:
 - i) Provision and maintenance of adequate off-street parking;

 - viii) Other similar actions or matters as Council may deem appropriate.

C.7.3 Council will ensure that the local RESIDENTIAL ENVIRONMENT is of a condition and variety satisfactory to meet the changing needs of area residents. Accordingly, Council will:

- iii) Encourage RESIDENTIAL development that provides a range of types and tenure to satisfy the needs of the residents at densities and scales compatible with the established development pattern;"

The proposal will comply to the intent of the Official Plan provided the provisions of Policies C.7.1 and C.7.3 can be met.

NEIGHBOURHOOD PLAN:

The subject lands are designated "Medium Density Apartments" (on the frontage) and "Open Space" (to the rear) in the approved Ainslie Wood West Neighbourhood Plan. The proposal complies with the intent of the Neighbourhood Plan.

COMMENTS RECEIVED:

- The Niagara Escarpment Commissions advises:

"Please be advised that the Niagara Escarpment Commission would not object to the above-noted Proposed Zoning By-law Amendment.

It is the Niagara Escarpment Commission's understanding that the proposed zoning by-law amendment would permit an increase in the number of units contained with each of the multiple dwelling buildings known respectively as 1854 and 1868 Main Street West. The proposed increase would permit an additional two units at 1854 Main Street West (83 units to 85 units) and a four unit increase at the 1868 Main Street West apartment complex.

The rear lands of the above mentioned properties are located within the Niagara Escarpments Plan's Escarpment Natural Area designation. This designation's goals and objectives are to maintain the natural features of the escarpment. The stream valley and wood lot features located on the rear lands of these properties must be maintained as natural escarpment features. Therefore, the site plan should clearly indicate the location of these natural features and ensure adequate protection from encroachment of development into these natural areas.

The Niagara Escarpment Commission would request an opportunity to comment on the site plan prior to finalization of the Site Plan Agreement."

- The Hamilton Region Conservation Authority advises:

"The western end of the subject property is located within a regulated area associated with Ancaster Creek (see attached map). As such, this area is subject to Ontario Regulation 151/90 (formerly 617/86), the Fill and Construction Regulation of the Hamilton Region Conservation Authority. Any proposal to place or remove fill material, alter existing grades or erect a structure within the regulated area will require a permit issued by this agency, pursuant to said regulation.

The western end of the subject property is located within the Dundas Valley Environmentally Sensitive Area (E.S.A.). The Region of Hamilton-Wentworth has designated the Dundas Valley as environmentally sensitive. Development in this area of the property may have a negative impact on the natural features of the E.S.A. and will be subject to the Environmental Policies of the Hamilton-Wentworth Official Plan.

Based on the above, Authority staff does not have any objection to the approval of the above noted application, subject to the following:

1. That the applicant comply with the requirements of Ontario Regulation 151/90 (formerly 617/86), the Fill and Construction Regulation of the Hamilton Region Conservation Authority.
2. That the applicant comply to the requirements of Section 5.3 of the Hamilton-Wentworth Official Plan."

- The Building Department advises:

"1854 and 1856 MAIN STREET WEST

1. A proposed eighty-five (85) unit multiple dwelling and the existing sixty-eight (68) unit multiple dwelling for a site total of one hundred and fifty-three (153) requires a minimum of one hundred and ninety-two (192) parking spaces and two 3.7m x 18.0m x 4.3m loading spaces.
2. The parking layout is different to the layout that was approved when the buildings were built.
3. No parking area is permitted in the required front yard.

4. The dimension indicated for the angle parking is insufficient to provide a minimum 2.7m x 6.0m parking spaces.
5. The six (6) parking spaces adjacent to the northerly lot line have an insufficient manoeuvring space aisle width.

1868 MAIN STREET WEST

1. A multiple dwelling containing a total of one hundred and thirty-four (134) dwelling units requires one hundred and sixty-eight (168) parking spaces and one each of a 3.7m x 18.0m x 4.3m loading space and a 3.7m x 9.0m x 4.3m loading space.
2. The parking layout is different to the parking and access driveways as indicated on the Schedule of By-Law 10564 and the further amendment by Committee of Adjustment.
3. It appears that there is insufficient area for the angle parking area so as to provide 2.7m x 6.0m parking spaces and sufficient manoeuvring space.
4. The parking spaces, manoeuvring spaces and access driveways are not dimensioned and appear to be a deficiency in sizes for both levels of parking.
5. The change to the parking layout has also reduced the existing landscaped area indicated on the By-Law Schedule as amended by Committee of Adjustment.
6. It appears that according to the applications to the Committee of Adjustment, there was a proposed off site parking area. No plan has been submitted to determine compliance with parking requirement. Furthermore, if it is located on the property known as 1854 and 1856 Main Street West, it may reduce the existing landscaped area for that site."

In reviewing the amended application, the Building Department advised verbally that there is a discrepancy between the location of existing parking behind 1854 Main Street West on the plans submitted (APPENDIX "B") and the proposed parking layout for the 11 additional spaces (APPENDIX "C"). In this regard, the proposed parking does not meet by-law standards with respect to manoeuvring space.

- The Hamilton-Wentworth Roads Department advises:

"There are public watermain and combined storm and sanitary sewers available to service these lands.

We understand that the overall intent of this application is to increase the number of apartment units by 6 within the existing buildings. We have no objection to this increase.

Comments from the City of Hamilton Traffic Department with respect to access, manoeuvring, parking, etc. should be considered."

- The Traffic Department advises:

"...please be advised that we have reviewed the above application and, while we have no objection to the modification in zoning, we do have the following comments to make regarding the supply of parking.

As was pointed out in Committee of Adjustment Application No. A-92:182, 10 of the parking spaces for the building at 1868 Main Street West will be supplied as 1856 and 1854 Main Street West. If this zoning application is approved, it may be appropriate for the access to those 10 parking spaces to be formally recognized via a right-of-way to ensure access to those 10 spaces. A special note for 1856 and 1854 Main Street West should also state that 10 of the on-site parking spaces are for use by 1868 Main Street West and are not to be included as part of the required parking for 1856 and 1854 Main Street West."

COMMENTS:

1. The proposal complies with the intent of the Official Plan.
2. The proposal complies with the intent of the approved Ainslie Wood West Neighbourhood Plan.
3. The Traffic Department has no objection to the proposed modification in zoning. While the Planning Department did not support all the previous Committee of Adjustment applications on the subject lands, it was noted that this was a traffic related matter, and the Traffic Department's comments should be considered prior to making a final decision.

4. The proposal has merit and can be supported for the following reasons:
 - it complies with the intent of the Official Plan and the approved Ainslie Wood West Neighbourhood Plan;
 - the proposed increase of six units (from a total of 281 to 287 units) is considered minimal; and,
 - it provides for more than the required number of parking spaces for the six new units (7.5 spaces required, versus 11 spaces proposed) which may improve existing on-site parking conditions.
5. The Building Department has identified a number of variances to the existing parking layout such as: number, size and location of parking spaces; provision of loading spaces; front yard parking; insufficient manoeuvring space and access driveways; and, reductions to landscaped area. It is understood that this situation has existed for sometime. It may be appropriate to recognize these variances in the amending by-law (in addition to those identified as a result of this application). Not all these variances can be identified on the drawings submitted with the application. In this regard, it would be appropriate to hold the passage of the amending by-law in abeyance until such time as the applicant has applied for and received approval of a Site Plan showing the existing parking layout including the new spaces to be created as a result of the approval of this application.
6. The Traffic Department notes that if the application is approved, that since the required parking for the new units proposed at 1868 Main Street are to be provided at the rear of 1854 Main Street West, then access for these spaces (4 units x 1.25 spaces/unit = 5 spaces) should "be formally recognized via a right-of-way to ensure access to those...spaces". This condition could be dealt with as part of the Site Plan approval process.

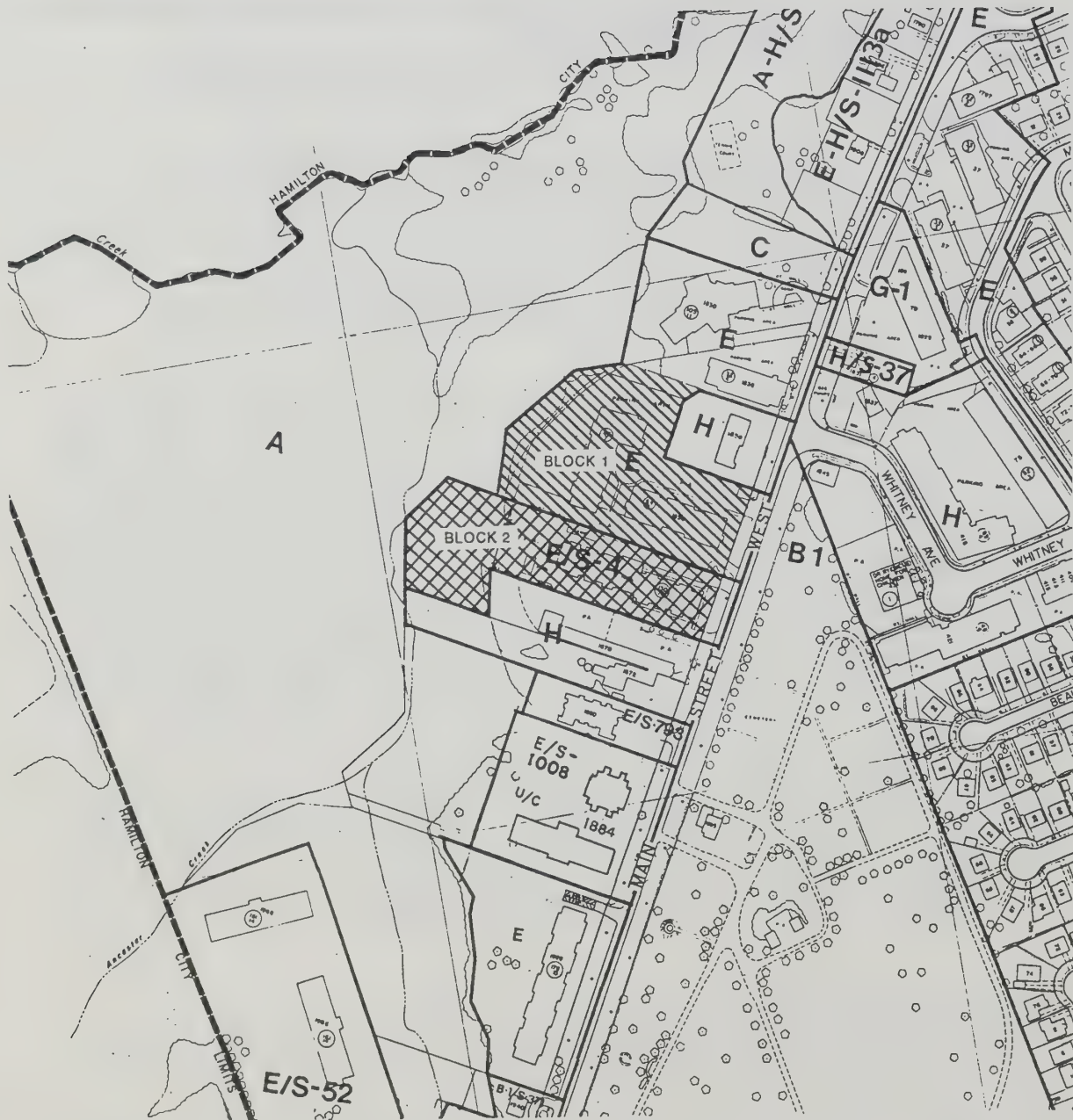
They also note that parking spaces provided for 1868 Main Street West should not be included as part of the required parking for 1854 and 1856 Main Street West.
7. For the information of the Committee, the Hamilton Region Conservation Authority advised that the western end of the subject lands are in the Dundas Valley Environmentally Sensitive Area and are therefore subject to the relevant policies of the Hamilton-Wentworth Official Plan. Regional planning staff have noted that "the actual change in land use is outside the Environmentally Sensitive Area and no Environmental Impact Statement or waiver is required."

In this regard, concerns expressed with respect to drainage, grading and fill can be dealt with through the Site Plan approval process.

CONCLUSION:



Based on the foregoing, the amended application can be supported.

CF/
ZA9254



Legend

Site of the Application

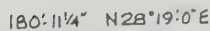
- | | | |
|---------|---|---|
| BLOCK 1 |  | Proposed modification to the "E" (Multiple Dwellings, Lodges Clubs, etc.) District regulations. |
| BLOCK 2 |  | Proposed further modification to the "E" (Multiple Dwellings, Lodges Clubs, etc.) District regulations. |



ZA 92-54

APPENDIX A

(OLD HIGHWAY N°2)



Lot 53

(ASPHALT PAVING)

Doc. 9

152°4' N 64°26' E

SITE PLAN (FROM EXISTING SURVEY)

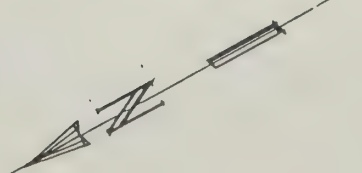
NOTE: THIS INFORMATION FOR THIS BLOCK, AS
OF LOTS 53 & 54, COMM. TOWNSHIP
OF ALBERTA AND OF HAMILTON ONT.
PREPARED BY STACEY TAKASICK, O.L.S.
DATED APR 21/59

PROPERTY OF MR MAX MINTZ 1856 + 1854 MAX ST
HAMILTON, ONT.

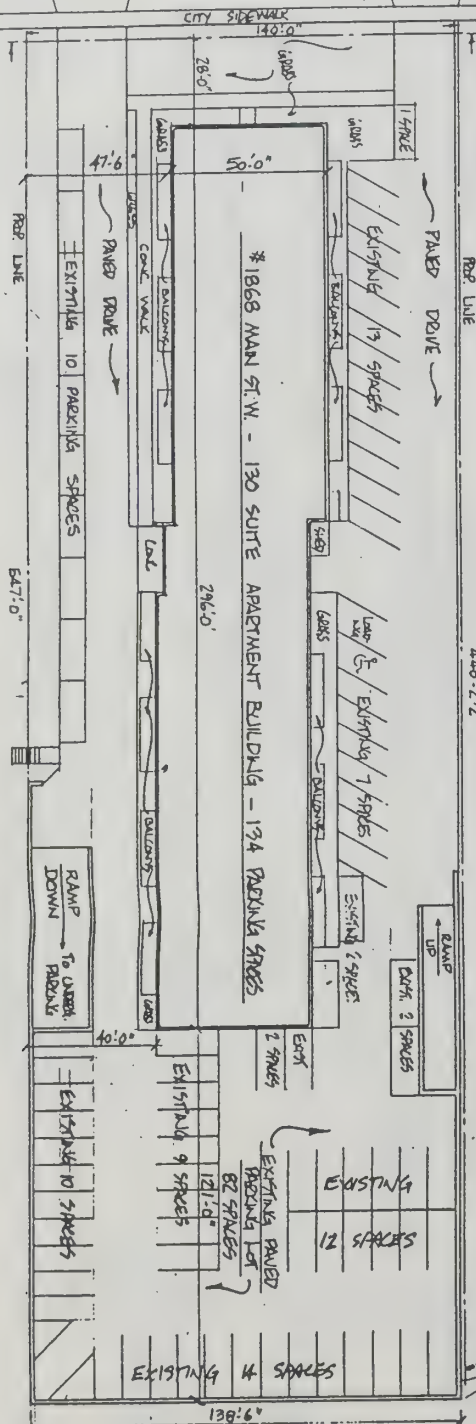
SITE: PLAN OF *1856 & *1854

SCALE: 1"=40'-0" | DATE: JAN 31/91 | BY: J.Y. | DWG:

APPENDIX

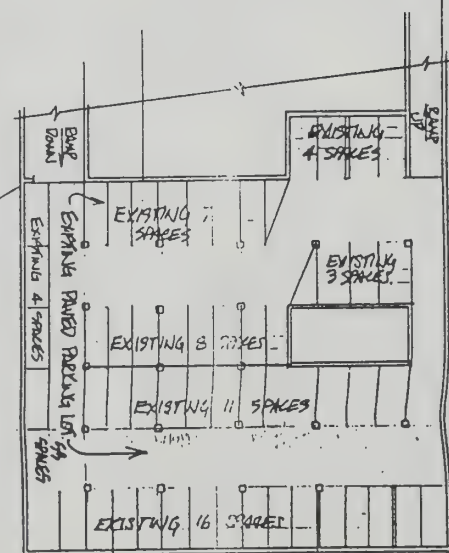


MAIN STREET WEST (THE KING'S HIGHWAY N° 2)



SITE PLAN
SCALE 1" = 40.0'

EXISTING UNDERGROUND PARKING LOT TYPICAL



PLAN
SHOWING
APARTMENT SUITE #1868 MAIN ST. WEST
PART OF LOT 59 CON. 1 TRP. OF ALBERTA
NBN IN THE
CITY OF EDMONTON
NOTE: THIS REPRESENTATION OF LOT 59 TAKEN
FROM EXISTING SUBMITTAL PREPARED BY
A.J. CLARKE D.S. DATE 21, 1965

NEW HEAVY DUTY
PAVED PARKING LOT
C/W PAINTED
PARKING LINES

#1868 SAVONY ABOVE GROUND PARKING LOT

GRASS

20'

(C/L) 9.6'

9'-0" (TYP.)

9.6'

11 NEW SPACES

108'

CONC. PATIO WALK

EXISTING C.L. ROAD

PAVED OVER LAKE

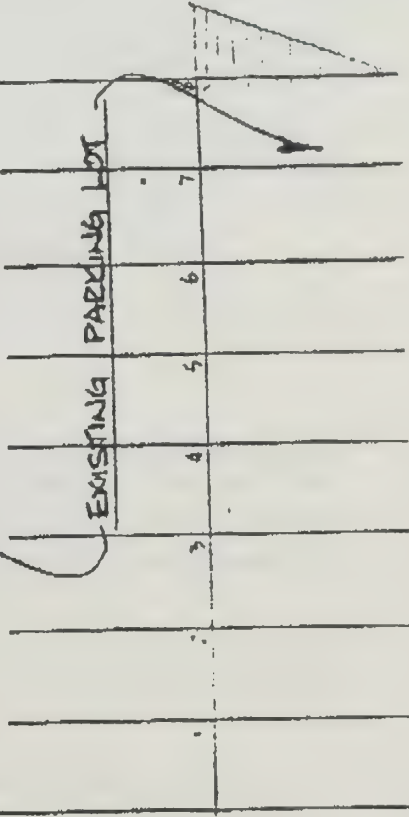
18'-0"

NEW ENTRANCE
WAY FOR NEW
PARKING LOT
ADDITION

GRASS

EXISTING
#1854 SAXONY
APT. BUILDING
86 PARKING
SPACES

EXISTING PARKING LOT



Handwritten signature

APPENDIX

7

CITY OF HAMILTON
- RECOMMENDATION -

DATE: March 31, 1992
ZA-92-44
Kirkendall North Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: Request for a modification in Zoning - No. 280 Aberdeen Avenue.

RECEIVED

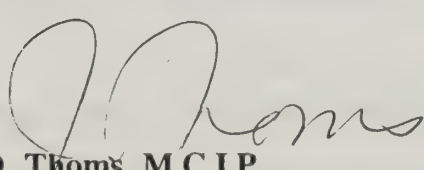
MAR 31 1993

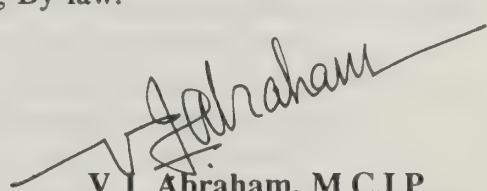
CITY CLERKS

RECOMMENDATION:

That Zoning Application 92-44, Emilia Fazekas, Angelo Nardi, and Quinn Staunitzky, owners, requesting a modification to the established "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District to legalize the existing four (4) family dwelling, for the property located at 280 Aberdeen Avenue, shown on the attached map marked as APPENDIX "A", be **DENIED** for the following reasons:

- i) It conflicts with the approved Kirkendall North Neighbourhood Plan which designates the lands "SINGLE AND DOUBLE RESIDENTIAL";
- ii) It conflicts with the recently adopted Housing Intensification Strategy and implementing By-law, in that the additional fourth unit exceeds the maximum two (2) units to be permitted for residential conversions in a "D" District, more than 50% of the required front yard will be utilized for parking, and less than 50% of the gross area of the front yard will be used for a landscaped area; and,
- iii) Approval of the application would encourage other similar applications which, if approved, would undermine the intent of the Zoning By-law.


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department


V.J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

APPLICANT:

Emilia Fazekas, Angelo Nardi, and Quinn Staunitzky, owners.

BACKGROUND:

- Proposal

The applicants have applied to permit four (4) dwelling units within the existing building whereas only three (3) dwelling units are presently permitted. The size of each dwelling unit is as follows:

- Unit #1 - 1800 sq. ft.;
- Unit #2 - 2000 sq. ft.;
- Unit #3 - 1500 sq. ft.; and,
- Unit #4 - 1000 sq. ft. (located in the basement).

The Building Department issued an "Order to Comply", on September 17, 1992, to reduce occupancy to a three (3) family dwelling or legalize the present use (see Appendix "C").

- By-law 92-281

On November 10, 1992, City Council passed By-law No. 92-281 respecting Housing Intensification. This by-law will revise zoning requirements to permit one accessory apartment in single-family zones (i.e. "AA", "B", "B-1", "B-2", "C", "R-2", and "D" Zoning Districts), and only allows parking for one (1) dwelling unit within the required front yard provided that the required area for parking shall not occupy more than 50% of the gross area of the front yard, and not less than 50% of the area is landscaped.

It should be noted that By-law 92-281 has been appealed to the Ontario Municipal Board, and is pending a hearing.

- A:91-293

On January 8, 1992, the Committee of Adjustment granted an application to permit the existing three-family dwelling to continue to be maintained with the following variances from the by-law:

1. an east side yard width of 0.56 m instead of 1.2 m and with further eave, stairway and projection; and,
2. there is provision on the site for 3 car parking spaces instead of 4 and without manoeuvring space on the site.

LOT SIZE AND AREA:

- 16.10 (52 ft.) of lot frontage on Aberdeen Avenue;
- 41.76 m (138 ft.) of lot depth; and,
- 672.0 m² (7233.58 sq.ft.) of lot area.

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Three-Family Dwelling	"D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District
<u>Surrounding Lands</u>		
to the north, south east and west	Single, Double, Three Family Dwellings and Multiple Family Dwellings	"D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District

OFFICIAL PLAN:

The subject lands are designated **Residential** on Schedule A - Land Use Concept of the Official Plan. The following policies should be noted:

- "A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.
- A.2.1.8 It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2.
- A.2.1.14 In evaluating the merits of any proposal for multiple-family RESIDENTIAL development, Council will be satisfied that the following considerations are met:
- i) The height, bulk and arrangement of buildings and structures will achieve harmonious design and integrate with the surrounding areas; and,
 - ii) Appropriate open space, including landscaping and buffering, will be provided to maximize the privacy of residents and minimize the impact on adjacent lower-density uses."

In addition, policies from Subsection C.7 - Residential Environment and Housing Policy should be noted:

- "C.7.1 In the development of new RESIDENTIAL areas and, as far as practicable, in the infilling or redevelopment of established areas, Council may undertake or require the following in order to achieve high standards of RESIDENTIAL amenity:

- i) Provision and maintenance of adequate off-street parking;
- viii) Other similar actions or matters as Council may deem appropriate.

C.7.2 Varieties of RESIDENTIAL types will not be mixed indiscriminately, but will be arranged in a gradation so that higher-density developments will complement those of a lower density, with sufficient spacing to maintain privacy, amenity and value.

C.7.3 Council will ensure that the local RESIDENTIAL ENVIRONMENT is of a condition and variety satisfactory to meet the changing needs of area residents. Accordingly, Council will:

- iii) Encourage RESIDENTIAL development that provides a range of types and tenure to satisfy the needs of the residents at densities and scales compatible with the established development pattern."

The proposal does not conflict with the intent of Official Plan.

NEIGHBOURHOOD PLAN:

The lands are designated "Single and Double Residential" on the approved Kirkendall North Neighbourhood plan. The proposal does not comply with the intent of the Plan.

RESULTS OF CIRCULARIZATION:

- The following Agencies have no comment or objection:
 - Union gas; and,
 - Hamilton Region Conservation Authority.
- The Roads Department has advised that:

"There are public watermains and combined storm and sanitary sewers available to service these lands."
- The Building Department has amended their previous comments and has advised that:
 - "1. A building containing four (4) dwelling units is a multiple dwelling which is not in a "D" zoning district.
 2. The property is located within Area B of Schedule "H" to By-law No. 6593, thus a four (4) unit multiple dwelling requires a minimum of four (4) parking spaces.
 3. No parking area is permitted in the required 6.0 m front yard.
 4. Committee of Adjustment granted that no manoeuvring space for the three (3) parking spaces in the rear yard, will not be provided on site [A-91:293]. This variance was for a three (3) family dwelling.

5. This Department has issued a "Order to Comply" to reduce the occupancy (see Appendix "C")."

- The Traffic Department has advised that:

"The applicant proposes to add one additional unit within the existing three unit building. There are existing parking spaces at the rear of the building and the applicant proposes to provide one additional required parking space within the front yard. The applicant has recently established a U-shaped driveway, and has installed two concrete driveway approaches. We therefore find the application satisfactory.

For the information of the Committee, the existing U-shaped driveway occupies more than 50 percent of the front yard area. This appears to conflict with recent amendments to the Zoning By-law involving Housing Intensification wherein no less than half of the front yard was to remain as landscaping."

COMMENTS:

1. The proposal does not conflict with the intent of the Official Plan.
2. The proposal conflicts with the intent of the approved Kirkendall North Neighbourhood Plan which designates the lands for "Single and Double Residential". However, approval of the application would not require a redesignation.
3. The following is a summary of the positive and negative aspects of the proposal:

3.1 Positive Aspects

- It is located on a major road with access to public transit;
- The floor area of each unit will exceed the minimum 700 sq. ft. required for converted dwellings (i.e. Unit #1 - 1800 sq. ft., Unit #2 - 2000 sq. ft., Unit #3 - 1500 sq. ft., Unit #4 - 1000 sq. ft.); and,
- There are other similar homes in the area which are being utilized as multiple family dwellings.

3.2 Negative Aspects

- It conflicts with the intent of the approved Kirkendall North Neighbourhood Plan which designates the property for "SINGLE AND DOUBLE RESIDENTIAL" use;
- It conflicts with the recently adopted Housing Intensification Strategy and implementing by-law (i.e. 92-281 pending final approval). More specifically, the proposed fourth unit exceeds the maximum two (2) units to be permitted for conversion in a "D" District, more than 50% of the required front yard will be utilized for parking, and less than 50% of the gross area of the front yard will be used for landscaped area.

The parking and landscape requirements are intended to maintain the streetscape and open space character of residential areas. As illustrated on APPENDIX "B", the front yard has virtually been converted to a circular drive and proposed parking area; and,

- Approval of the application would encourage other similar applications which, if approved, would undermine the intent of the Zoning By-law.

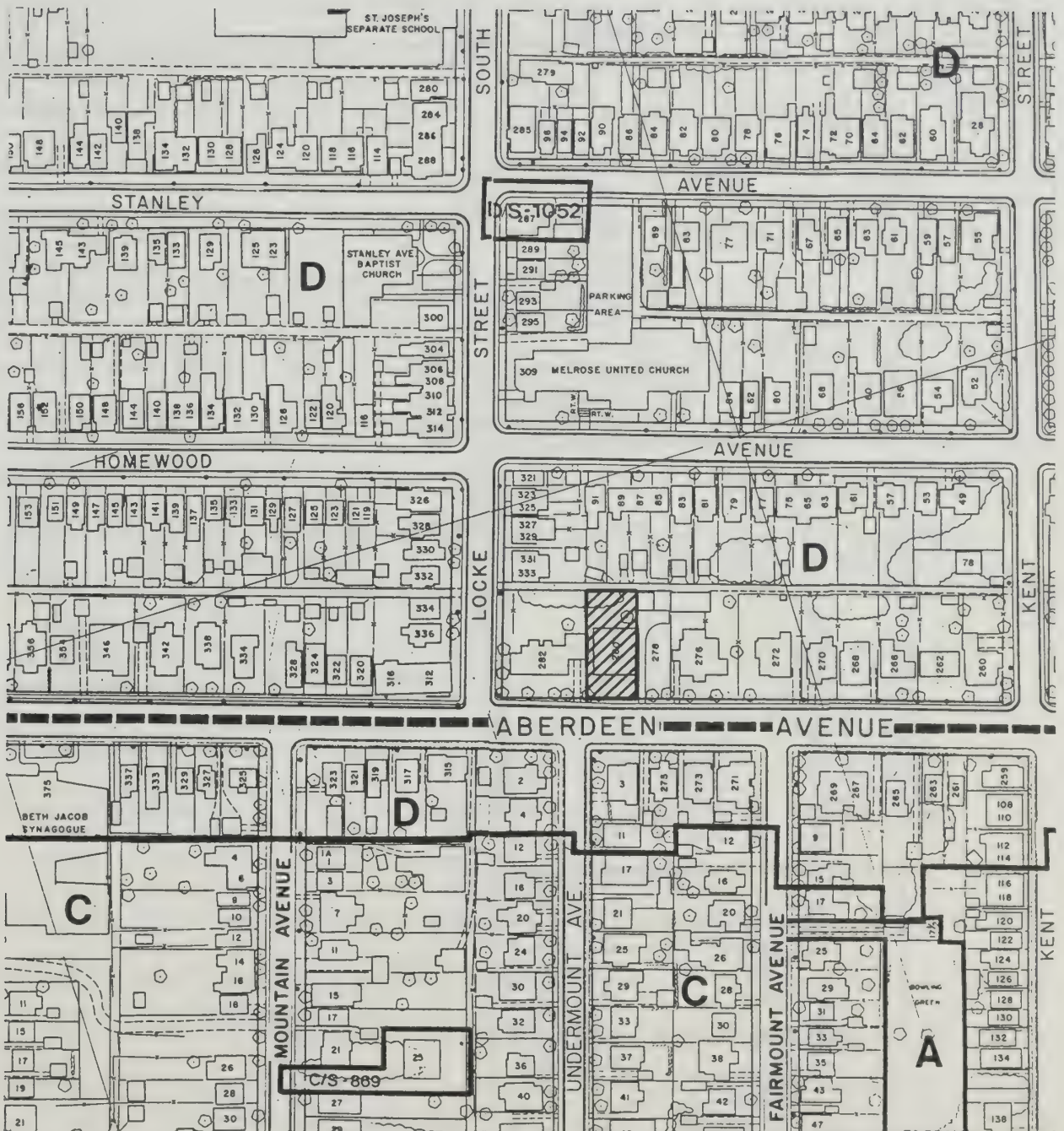
Given the intent of the recently adopted Housing Intensification Strategy and implementing by-law, the proposal cannot be supported. It should be noted that upon finalization of By-law No. 92-281, the existing three (3) family dwelling would become legal non-conforming.

For the information of the Committee, on January 8, 1992, the Committee of Adjustment approved variances to permit a three (3) family dwelling on the subject lands (see BACKGROUND - A:91-293). Subsequently, on September 17, 1992, an Order to Comply was issued by the Building Department respecting the use of the subject building as a four (4) family dwelling. The illegal conversion of the building is not condoned by the Planning Department.

CONCLUSION:

Based on the foregoing, the proposal cannot be supported.

JL/mm
WPZA9244



Legend

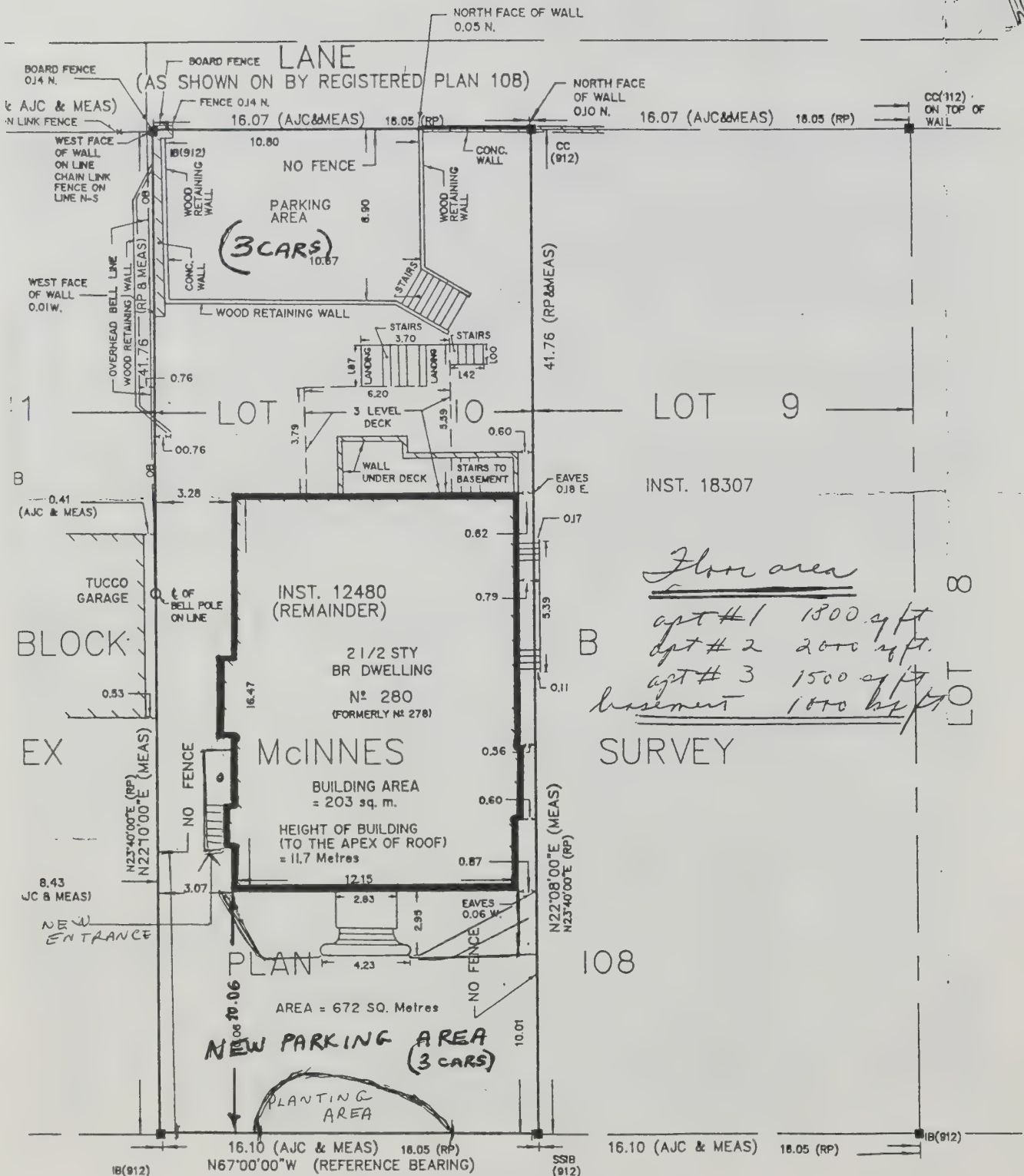


Site of the Application



ZA-92-44

APPENDIX A





ORDER TO COMPLY

ISSUED TO	LOCATION
Emilia Fazakas, Angelo Nardi	280 Aberdeen Avenue
Quinn Stavnitzky	HAMILTON, Ontario
280 Aberdeen Avenue	
Hamilton, Ontario L8P 2R3	

[illegible]

REGISTERED MAIL & POSTED	September 17, 1992	<i>M. G. Proff</i> INSPECTOR	September 17, 1992
PHONE DIAL 8 A	DATE	MICHELLE PROFF 546.2000	DATE

APPENDIX C

Copy sent to V. Abraham, Director of Local Planning, Planning Department, P. Noé Johnson, City Solicitor, Law Department, M. Main, Director of Traffic Services, Traffic Department, Alderman D. Drury, Chairperson, Planning and Development Committee dated 1993, March 31

70

March 15, 1993

Secretary
Planning and Development Committee
The Corporation of the City of Hamilton
City Hall
Hamilton, Ont.
L8N 3T4

RECEIVED

MAR 1 8 1993

Dear Sir:

CITY CLERKS
21-92-44

re: Proposed change to Regulations: 280 Aberdeen Ave., Hamilton

We have herein registered our opposition to the proposed changes in the zoning to allow for a 4 unit dwelling at 280 Aberdeen Avenue previously zoned as a duplex but functioning for many years as a triplex.

In our view, the change would make a bad situation even worse - the severing of the adjacent lot and the removal of the summer room and entrance ways on the east side of the building created a situation where there is very little land between the adjacent lots - both east and west.

As the westerly neighbour, we have already experienced the problems of a 2nd basement entrance within a couple of feet of our property, as well as hedge/trees being planted on our property without any discussion.

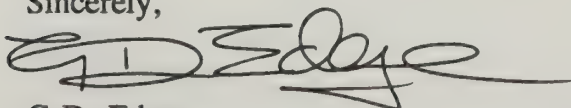
We are against the additional parking requirements in that the front lawn is now being used for two cars and the rear alley parking is really equipped for three more.

There is also some evidence that there are provisions for two, not one basement apartment which would in fact, make it a five unit building with virtually no property.

The danger is in our opinion, that once established as a four/five unit property - the next step is a rooming house with a more transient type of tenant.

Having reduced our building from nine units to six and having made every effort to maintain a family home appearance to the property, we are firmly opposed to the "development" that has been allowed to go on at 280 Aberdeen Avenue.

Sincerely,



G.D. Edge
owner - 282 Aberdeen Avenue, Hamilton.

76)

TO: PLANNING DEPT
CITY OF HAMILTON
71 MAIN ST W
HAMILTON ONT
L8N 3T4

TO	STAFF	INIT.	INFO.	ACT.
DIR.				
ASST. DIR.				
PLANNING				
DEV.	AM			
TR. & ED.				
STAFF	JL			
CART.				
ADMIN.				

3A-92-44

MAR 25 / 93

RECEIVED

MAR 31 1993

CITY CLERKS

I AM OPPOSED TO APPLICATION PERMITTING A MODIFICATION TO THE ESTABLISHED D DISTRICT REGULATIONS. I AM A NEIGHBOUR ON FAIRMOUNT AVE, WITH NO DRIVEWAY. PARKING IS ALMOST NEVER PERMITTED ON ABERDEEN AVE, IN FRONT OF THE APPLICANTS PROPERTY. I WOULD SUGGEST THE POTENTIAL NECESSITY FOR ~~THE~~ PARKING TO ACCOMMODATE 4 APARTMENTS, AT EIGHT SPACES. I CAN ONLY SEE ROOM IN THE DRIVEWAY FOR 3 CARS MAXIMUM. PARKING IS ALREADY A ~~DIFFICULTY~~ AND ~~STRESS~~ AND PERMITTING THIS MODIFICATION WOULD ONLY ADD TO THE INCONVENIENCE, FOR MY NEIGHBOURS AND ME.

REGARDS

P. Stewart

P. STEWART
9 FAIRMOUNT AVE
HAMILTON
L8P 3Z4 5285263

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